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March 24, 1989

OFFICE OF
APPELLATE COURTS

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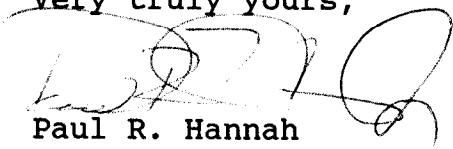
Clerk of Appellate Courts
230 State Capitol
Saint Paul, Minnesota 55155

Re: In Re Modification of Canon 3A(7) of the Minnesota
Code of Judicial Conduct

Dear Clerk:

I desire to make an oral presentation to the Court at the
hearing on this matter on April 13, 1989.

Very truly yours,


Paul R. Hannah

PRH:ps

STATE OF MINNESOTA

IN SUPREME COURT

C7-81-300

OFFICE OF
APPELLATE COURTS

MAR 24 1989

FILED

In Re

Modification of Canon 3A(7) of the
Minnesota Code of Judicial Conduct

Minnesota Joint Media Committee,

Petitioners.

COMMENT OF COUNSEL
FOR PETITIONERS

PROCEDURAL HISTORY

On March 18, 1981, several broadcast organizations petitioned this Court to modify Canon 3A(7) of the Minnesota Code of Judicial Conduct to permit audio and video coverage of trial court proceedings in this state. On August 10, 1981, this Court established the Minnesota Advisory Commission on Cameras in the Courtroom and asked it to prepare findings of fact and recommendations concerning the use of broadcast and photographic equipment in the trial courts of this state.

On January 12, 1982, that Commission recommended to this Court that cameras and microphones be allowed in trial courtrooms under certain conditions. The conditions included precise rules governing the way in which the media would conduct itself, the technology which could be used and the method of its use.

After public hearings, on April 18, 1983, this Court adopted the recommendation of its Commission that audio and visual coverage of state trial court proceedings be allowed on an experimental basis. The Court insisted that participation in this experiment be voluntary, and required the consent of the trial judge, all parties to the litigation, and any witnesses who might be the subject of such coverage.

The experimental period expired on April 18, 1985. On August 21, 1985, this Court extended the experimental period to April 18, 1987.

On October 3, 1988, the Minnesota Joint Media Committee filed the present Petition which seeks a further experimental period to extend for no more than twelve (12) months, and which deletes the previous requirement that all parties consent to expanded coverage.

INTRODUCTION

In 1983, when electronic access to Minnesota's trial courts was first considered by this Court, opponents to such access vigorously argued that the fundamental rights of participants in the litigation process would somehow be impaired by this action. Those opponents raised the specter of grandstanding counsel and judges, of timorous witnesses and of justice denied.

In spite of these dire predictions, the Minnesota Advisory Commission on Cameras in the Courtroom recommended by a two-to-one vote that an experiment be authorized by this Court allowing access of cameras and microphones to Minnesota's trial courts.

The recommended rules of access were tightly drafted to ensure that the concerns of vulnerable individuals who might be involved in certain litigation would be respected. However, the Commission rejected the assertion that parties should be allowed to veto electronic coverage at their whim. Substantial evidence was presented to the Commission that such a requirement would result in few, if any, proceedings in which all parties would agree to electronic coverage, even on an experimental basis. However, the rules as adopted by this Court included a provision requiring that all parties to the litigation consent to such coverage, and also included a provision that individual witnesses could object in writing to such coverage.

During the experimental period, some proceedings included audio and video coverage. However, in the overwhelming majority of cases where electronic access was sought, one or more parties objected. Given the developments which have occurred on a national level in the past few years, Petitioners felt that it was appropriate to renew their request for a further experimental period, with the proviso that the consent requirement be removed from the experimental rules that would be promulgated.

ARGUMENT

There would not appear to be any reason to revisit the general principles which were presented to this Court and to the Commission. Constitutional questions, due process questions and issues of fairness were fully explored by interested parties and this Court.

To the extent those issues were raised by opponents to extended coverage, this Court and its Commission resolved them in favor of the coverage experiment. Some matters do remain to be explored.

I. THE STATUS OF ELECTRONIC ACCESS THROUGHOUT THE UNITED STATES.

Since this matter was first presented to this Court in 1983, the number of states permitting electronic access to trial courts has grown. Attached to this Memorandum is a copy of a survey prepared by the Radio, Television News Directors Association entitled "NEWS MEDIA COVERAGE OF JUDICIAL PROCEEDINGS WITH CAMERAS AND MICROPHONES: A SURVEY OF THE STATES." Updated as of March 1, 1989, the RTNDA survey points out that thirty-one (31) states allow audio and video access to trial courts without the requirement that parties consent to that coverage. As a matter of fact, six of those states, Alaska, Arkansas, California, Florida, Georgia, and New Mexico, began their coverage experiments with consent requirements, and subsequently deleted those requirements from the rules.

Electronic access has been allowed on an experimental basis by the U.S. Court of Military Appeals. In addition, in September of 1988, the Judicial Conference of the United States approved a program permitting video conferencing of certain preliminary criminal proceedings, and also authorized an experiment in six district courts allowing videotapes to be used as the official record of court proceedings.

The fact that thirty-one states now allow audio and video coverage of trial court proceedings without the requirement that all parties consent to such coverage must forever put to rest the argument that there is some inherent infirmity in proceedings covered by electronic means, and must also end the speculation that there is a measurable possibility that parties are denied some fundamental right merely because electronic coverage exists. We cannot ignore the fact that thoughtful judges across the country have given close and careful consideration to the issues involved in this Petition and have resolved them in favor of electronic coverage. The experiences of these courts must be considered a part of the record in this case.

II. THE RESULTS OF MINNESOTA'S PREVIOUS EXPERIMENT WITH ELECTRONIC COVERAGE.

A. Minnesota Media Made a Concerted Effort to Participate in the Initial Coverage Experiment.

Those opposing electronic coverage in trial courts have asserted that Minnesota's media failed to take advantage of the previous experiment. This assertion is false. These opponents are engaged in sophistry.

First, this Court has documented proof that Minnesota's media made serious efforts to cover all types of proceedings in the state's trial courts. When the experiment began, Chief Justice Amdahl suggested that parties provide him with information about their participation in the experiment on a

voluntary basis. The file which was generated as a result of that request contains communications from media representatives who were successful in obtaining consent to access, and communications from those representatives who were denied access.

During the experimental period, this Court hosted a Media Day. In the course of that discussion, several media representatives outlined in detail their efforts to gain electronic access to trial court proceedings. Additionally, the Bar-Media Committee of the Minnesota State Bar Association provided this Court with the results of an informal survey sponsored by that committee, which again, outlined the experiences of parties involved in media coverage.

Finally, this Court will hear testimony from media representatives detailing their efforts, and will be able to review written submissions describing the media's attempts to obtain access during the experimental period. There can be no doubt that Minnesota's media participated to the fullest extent in an effort to obtain electronic access to Minnesota's trial courts.

B. A Major Impediment To Audio and Video Coverage Was the Existence of the Consent Requirement.

There is strong evidence that media representatives consistently met with refusals by parties involved in litigation to consent to audio and video coverage of their proceedings. The imagined fears of electronic coverage held by the vast majority

of lawyers contacted by the media doomed any chance of regular access of cameras to trial courts.

Because of the procedures made a part of the experiment, the media were careful to obtain the consent of all parties before bringing the question of electronic coverage to trial judges. As a result of consistent refusals of parties to participate in the experiment, the media were unable to utilize the persuasive powers of the trial judge to maximize the effectiveness of the experiment.

C. The Electronic Coverage Which Occurred Supports the Appropriateness of Electronic Access.

Cameras and microphones were allowed in several Minnesota courtrooms. Many of the participants in those proceedings provided their comments to Chief Justice Amdahl. Those comments categorically lay to rest the speculative concerns raised by those opposed to cameras in the courtroom.

Participants found the presence of cameras to be unobtrusive. They were not intimidated or adversely affected by that presence, or by the fact that the proceedings might be featured as a part of a television news broadcast. They simply went about their business, as one would expect of Minnesotans. Their experiences should carry great weight with this Court.

In a related matter, large portions of the hearings of the Morris Commission were broadcast by Twin Cities Public Television, Inc., and portions of those hearings were made a part of nightly news stories. Twin Cities Public Television conducted

an informal viewer survey of that coverage, inviting telephone comments from members of the public. A portion of that survey has been provided to the Court, and demonstrates that the public was grateful for the opportunity to view first-hand the business of that Commission. Justice and Minnesota citizens were well served by that coverage.

CONCLUSION

Much has transpired since April 18, 1983. Some electronic access to Minnesota's trial courts has occurred. The participants in those proceedings have commented favorably on the coverage. Minnesota citizens have reacted favorably to the few occasions where they have been able to witness, first-hand, proceedings in their courts. Courts in other states have resolved the troublesome questions raised by opponents to electronic coverage in favor of that coverage.

The people of Minnesota have seen court proceedings which were visually recorded in other states. Petitioners earnestly request that they be allowed to utilize the means at their disposal to provide similar coverage of Minnesota's trial courtrooms.

Respectfully submitted,



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Dated: March 24, 1989

NEWS MEDIA COVERAGE OF JUDICIAL PROCEEDINGS
WITH CAMERAS AND MICROPHONES:
A SURVEY OF THE STATES
(as of March 1, 1989)

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SUMMARY OF EXPANDED MEDIA COVERAGE OF STATE COURTROOM PROCEEDINGS

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The following table is a distillation of information in RTNDA's loose-leaf publication, "News Media Coverage of Judicial Proceedings with Cameras and Microphones: A Survey of the States (as of March 1, 1989)." The full text of this publication should be consulted for a more detailed description of the rules of the respective states.

All states except one in which coverage is indicated permit audio and video coverage for radio and television, plus still photography. Texas permits audio only.

Legend:

- | | |
|---------------------------------|--|
| A - Appellate courts | P - Permanent rules |
| B - Background shots only | S - Supreme Court only |
| C - Certain types of cases only | T - Trial courts |
| D - Day(s) | U - Upon approval of judge; or
Unless juror objects |
| E - Experimental rules | Y - Yes |
| N - No | |

<u>STATE</u>	<u>CIVIL</u>	<u>CRIMINAL</u>	<u>COURT'S CONSENT REQUIRED</u>	<u>NOTICE TO COURT REQUIRED</u>	<u>PARTY'S CONSENT REQUIRED</u>	<u>COVERAGE OF PARTI- CIPANTS LIMITED</u>	<u>COVER- AGE OF JURORS</u>	<u>CERTAIN MATTERS EXCLUDED</u>
Alabama (P)	T,A	T,A	Y	-	Y	Y	B	Y
Alaska (P,E)	T,A	T,A	Y	1D	C	N	N	N
Arizona (P)	T,A	T,A	Y	-	N	N	B	Y
Arkansas (E)	T,A	T,A	N	N	Y	Y	N	Y
California (P)	T,A	T,A	Y	-	N	N	B	N
Colorado (P)	T,A	T,A	Y	1D	N	N	B	Y
Connecticut (P)	T,A	T,A	Y	13D-A 3D-T	N	Y	B	Y
Delaware (E)	A	A	N	Y	N	N	-	N
District of Columbia	-	-	-	-	-	-	-	-
Florida (P)	T,A	T,A	N	N	N	N	Y	N
Georgia (P)	T,A	T,A	Y	-	N	N	B	N

STATE	CIVIL	CRIMINAL	COURT'S CONSENT REQUIRED	NOTICE TO COURT REQUIRED	PARTY'S CONSENT REQUIRED	COVERAGE OF PARTI- CIPANTS LIMITED	COVER- AGE OF JURORS	CERTAIN MATTERS EXCLUDED
Hawaii (P)	T,A	T,A	N-A Y-T	N	N	Y	N	Y
Idaho (P)	A	A	N	N	N	N	-	N
Illinois (P)	A	A	N	5D	N	N	-	N
Indiana	-	-	-	-	-	-	-	-
Iowa (P)	T,A	T,A	Y	14D	C	Y	B	N
Kansas (P)	T,A	T,A	N	7D	N	Y	B	N
Kentucky (P)	T,A	T,A	Y	-	N	N	Y	Y
Louisiana (P)	A	A	N	20D	N	N	-	N
Maine (E)	A	A	Y	-	N	N	-	N
Maryland (P)	T,A	A	Y	5D	N-A Y-T	Y	Y	Y
Massachu- setts (P)	T,A	T,A	N	Y	N	N	B	Y
Michigan (P)	T,A	T,A	Y	3D	N	Y	N	N
Minnesota (P,E)	T,A	T,A	N-A Y-T	1D-A	N-A Y-T	Y	N	Y
Mississippi	-	-	-	-	-	-	-	-
Missouri	-	-	-	-	-	-	-	-
Montana (P)	T,A	T,A	N	Y	N	N	Y	N
Nebraska (P)	A	A	N	N	N	N	-	N
Nevada (P)	T,A	T,A	Y	3D	N	N	B	N
New Hamp- shire (P)	T,A	T,A	Y	-	N	N	U	N
New Jersey (P)	T,A	T,A	Y	-	N	Y	B	Y

<u>STATE</u>	<u>CIVIL</u>	<u>CRIMINAL</u>	<u>COURT'S CONSENT REQUIRED</u>	<u>NOTICE TO COURT REQUIRED</u>	<u>PARTY'S CONSENT REQUIRED</u>	<u>COVERAGE OF PARTI- CIPANTS LIMITED</u>	<u>COVER- AGE OF JURORS</u>	<u>CERTAIN MATTERS EXCLUDED</u>
New Mexico (P)	T,A	T,A	N	1D	N	Y	N	Y
New York (P,E)	T,A	T,A	Y	7D-T	N	Y	N	Y
North Carolina (E)	T,A	T,A	N	N	N	Y	N	Y
North Dakota (P,E)	T,A	T,A	N-A Y-T	3D-A 14D-T	C	Y	B	N
Ohio (P)	T,A	T,A	Y	1D-S	N	Y	N	N
Oklahoma (P)	T,A	T,A	Y	-	C	Y	U	N
Oregon (P)	A	A	N	N	N	N	-	N
Pennsyl- vania (E)	T	-	Y	-	N	Y	-	Y
Rhode Island (P)	T,A	T,A	N	N	N	N	B	Y
South Carolina	-	-	-	-	-	-	-	-
South Dakota	-	-	-	-	-	-	-	-
Tennessee (P)	T,A	T,A	N	N	C	Y	U	N
Texas (P)	A	A	Y	-	N	N	-	N
Utah (P,E)	T,A	T,A	Y-S	2D-S	N	Y	N	N
Vermont (P,E)	T,A	T,A	N	N	N	N	B	N
Virginia (E)	T,A	T,A	N	N	N	Y	N	Y
Washington (P)	T,A	T,A	Y	-	N	Y	U	N
West Virginia (P)	T,A	T,A	Y	-	N	N	Y	N
Wisconsin (P)	T,A	T,A	N	3D	N	Y	B	Y
Wyoming (P)	A	A	N	N	N	N	-	N

Introduction

RTNDA believes this survey of the States will prove helpful to those concerned with the present state of the law regarding journalistic coverage of judicial proceedings by television, radio and photography. The information is divided into two major parts:

- (1) a description of the rules of each of the fifty states and the District of Columbia, compiled in alphabetical order (Part I); and
- (2) categorizations of the rules of the States. (Part II).

Because of rapid changes in this area of the law, RTNDA will frequently revise these materials to assure that they are as current as possible. RTNDA and its legal counsel maintain copies of the rules of, and other materials from, all of the jurisdictions described in these materials. Individuals interested in obtaining copies of materials related to this issue are invited to contact RTNDA.

1. Background

From 1937, when the ABA adopted Canon 35 of its Canons of Judicial Ethics in response to media coverage of the trial of Bruno Hauptmann (accused kidnapper of the Lindbergh baby) until recently, a large majority of States prohibited the presence of

the electronic media during proceedings in their courts. 1/ Indeed, for a time after the decision the Supreme Court in Estes v. Texas, 381 U.S. 532 (1965), only Colorado continued to permit the electronic media in its courts.

Starting in 1974, a number of States began authorizing coverage of judicial proceedings. Although these materials do not attempt to provide an historical chronology of these changes, it is important to note that the activities of the States were often, and continue to be, highly diverse. Some States undertook experiments of limited duration; others made permanent changes to their rules. Some States focused their efforts on both trial and appellate proceedings, others on appellate proceedings only, and still others on trial proceedings. Some States decided to make coverage contingent on the consents of various participants; other States chose not to have consent requirements. Section B of these materials reflects much of the diversity, but it also underscores the fact that, in every instance, courts have explicitly retained authority to terminate coverage if it proves distracting or disruptive or if it threatens the fairness of the judicial process.

1/ As amended through 1963, ABA Canon 35 prohibited photographing, broadcasting, or televising of courtrooms (during or between sessions) except for naturalization proceedings. A copy of ABA Canon 35 is contained in these materials. See Part I, infra.

Of the State experiments, the most publicized, and probably the most significant, has been that of Florida. The experimental rule and, later, the permanent rule adopted in Florida did not condition coverage upon consents of the parties, including the defendant in a criminal trial. In Chandler v. Florida, 449 U.S. 560 (1981), the Supreme Court upheld the constitutionality of Florida's actions, thereby removing one of the obstacles to adoption of rules facilitating coverage of judicial proceedings by the electronic and photographic media.

At the 1982 ABA Annual Meeting, the House of Delegates repealed the 1972 version of Canon 3A(7) and approved a new Canon 3A(7) which permits electronic coverage where a supervising appellate court or other appropriate authority has prescribed suitable restrictions and guidelines. The new Canon 3A(7) reads as follows:

"A judge should prohibit broadcasting, televising, recording or photographing in courtrooms and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that under rules prescribed by a supervising appellate court or other appropriate authority, a judge may authorize broadcasting, televising, recording and photographing of judicial proceedings in courtrooms and areas immediately adjacent thereto consistent with the right of the parties to a fair trial and subject to express conditions, limitations, and guidelines which allow such coverage in a manner that will be unobstrusive, will not distract the trial participants, and will not otherwise interfere with the administration of justice."

On August 9, 1986, the membership of the National Conference of State Trial Judges, which is part of the ABA's Judicial Administration Division, rejected a proposed model state rule for extended media coverage of judicial proceedings that the Conference's executive committee had adopted.

2. Federal Courts

Federal court rules have prohibited, and continue to prohibit, extended media coverage of adversarial proceedings. For example, Rule 53 of the Federal Rules of Criminal Procedure, which has been in existence since 1953, prohibits the taking of photographs or radio broadcasts during criminal proceedings. ^{2/} In United States v. Hastings, 695 F.2d 1278 (11th Cir.), reh'g denied, 704 F.2d 559, cert. denied, 461 U.S. 931 (1983), the United States Court of Appeals for the Eleventh Circuit upheld a lower court decision refusing to permit broadcast coverage of a criminal trial in which the defendant explicitly requested coverage.

^{2/} Fed. R. Crim. P. 53 provides, "[t]he taking of photographs in the court room during the progress of judicial proceedings or radio broadcasting of judicial proceedings from the court room shall not be permitted by the court." (emphasis added). By its terms, Rule 53 does not explicitly proscribe television broadcasting, but courts have interpreted it as banning television coverage. See, e.g., Hastings, 695 F.2d 1278, 1279 n.5 (11th Cir. 1983) (since Estes, "serious consideration" of interpreting Rule 53 as not proscribing television broadcasting "has long since passed").

The Judicial Conference of the United States, which considers procedures for federal courts, has previously approved the terms of former ABA Canon 3A(7) concerning electronic coverage and has found expressly that electronic coverage of naturalization and ceremonial proceedings is permissible. See infra Part I.

The court applied a standard of review applicable to time, place and manner restrictions, and balanced the interests favoring coverage against those opposing it. Finding the latter outweighed the former, the court held that federal rules prohibiting broadcast coverage of trials do not violate the First or Sixth Amendments.

On March 8, 1983, a group of twenty-eight news, educational, and citizen organizations filed a petition urging the Judicial Conference of the United States to amend Canon 3A(7) of the Code of Judicial Conduct to allow extended media coverage of federal judicial proceedings in accordance with guidelines that the Conference would set. In its September 6, 1984 report, an ad hoc committee that the Judicial Conference had appointed to study the issue, recommended denial of the request for coverage. (The committee did not examine the legal issues involved.) On September 20, 1984, the Judicial Conference voted to adopt the report.

On August 21, 1984, Cable News Network ("CNN") petitioned the United States District Court for the Southern District of New York for permission to distribute television, radio and still photography coverage of the trial in Westmoreland v. Columbia Broadcasting System, Inc., 97 F.R.D. 703 (S.D.N.Y. 1983). CNN proposed guidelines similar to those in use in some states, and the parties consented to the proposed coverage. Judge Leval denied the petition. Although he recognized the merits of the petition, Judge Leval felt that he was bound

by the rules of the Judicial Conference and of the district court prohibiting coverage. Westmoreland, 596 F. Supp. 1166 (S.D.N.Y. 1984), aff'd, 752 F.2d 16 (2d Cir. 1984), cert. denied, 472 U.S. 1017 (1985).

Thereafter, CNN unsuccessfully petitioned the Board of Judges of the United States District Court for the Southern District of New York to waive the district court's ban and to permit experimental television coverage in the Westmoreland case and then appealed to the Second Circuit, requesting the court to invalidate the restrictive rules as a violation of the First Amendment. Rejecting CNN's appeal, the Court of Appeals affirmed the decisions of the district court and the Board of Judges. Westmoreland, 752 F.2d 16 (2d Cir. 1984). Later, the Supreme Court denied CNN's petition for a writ of certiorari. Cable News Network, Inc. v. United States District Court for the Southern District of New York, 472 U.S. 1017 (1985).

On October 29, 1984, the U. S. Court of Appeals for the Second Circuit affirmed a district court's decision denying a newspaper reporter permission to use a tape recorder for note-taking purposes at trial. United States v. Yonkers Board of Education, 747 F.2d 111 (2d Cir. 1984). In Yonkers, the reporter argued that he relied heavily on his tape recorder, and that prohibiting its use effectively "excluded" him from the trial. The Court of Appeals rejected that argument as beyond the bounds of the first amendment and held that the court rule in question was constitutional.

The U.S. Court of Appeals for the Seventh Circuit also has ruled on the coverage issue. In United States v. Kerley, 753 F.2d 617 (7th Cir. 1985), the court held that Rule 53's ban on extended media coverage did not violate the first or sixth Amendments. Kerley, the defendant in a criminal trial, had asked the trial court for permission to videotape the proceedings. Although the trial court granted Kerley permission to record the proceedings on audiotape (to assure accuracy of news reporting), the court denied his request to videotape the proceedings. Relying heavily on Hastings, the Second Circuit affirmed.

More recently, on March 31, 1986, the U.S. Court of Appeals for the Fifth Circuit affirmed a trial court's denial of permission to record and broadcast the second fraud and racketeering trial of Louisiana Governor Edwin Edwards. United States v. Edwards, 785 F.2d 1293 (5th Cir. 1986). The court ruled that Rule 53 of the Federal Rules of Criminal Procedure and Local Rule 13.11 of the United States District Court for the Eastern District of Louisiana, both of which prohibit the televising, recording and photographing of federal criminal trials, do not violate the First Amendment.

In March 1986, Chief Justice Burger denied the Mutual Broadcasting System's request to permit radio coverage of the Gramm-Rudman oral arguments before the Supreme Court, which would have been the first experiment with electronic coverage of the Court. Thereafter, seven news media organizations asked

the Court to reconsider its decision. In April 1986, a majority of the Supreme Court rejected the request. Justices Brennan, Marshall and Stevens dissented.

On July 20, 1988, the Sixth Circuit joined the list of federal judicial circuits that have ruled against a First Amendment demand for broadcast coverage of trials. In Conway v. United States, 852 F.2d 187 (6th Cir. 1988), (cert. denied, 109 S. Ct. 370 (1988)), professional broadcast journalists appealed the denial of permission to broadcast and photograph the criminal prosecution of Jackie Presser. The court held that Rule 53 prohibiting coverage does not deny professional journalists access to the trial or place unreasonable restrictions on that right of access.

At its September 1988 meeting, the Judicial Conference of the United States approved two experimental videotaping programs for the federal courts. One program permits videoconferencing of arraignments and prisoner civil rights and habeas corpus hearings, while the second authorizes a two-year experiment in six district courts using videotapes instead of transcripts, as a means of taking the official record of court proceedings. Where videotaping is used to record court proceedings, typed transcripts will back-up the videotape, but the videotape will serve as the official record for purposes of appeals. A program for videotaping arraignments is being explored currently in Phoenix and a similar program for

conducting prisoner civil rights and habeas corpus hearings is now in use in Jefferson City, Missouri.

In a continuing effort to persuade the Supreme Court to allow extended media coverage of its proceedings, representatives of 13 media organizations conducted a brief demonstration and discussion of courtroom television coverage in the Supreme Court courtroom on November 21, 1988.

On February 23, 1989, the U.S. Court of Military Appeals in Washington, D.C. allowed extended media coverage of oral arguments in two cases. This experiment was arranged by the same group of media that participated in the Supreme Court presentation. This is the first instance in which the broadcast media have been allowed to record actual proceedings in a federal court.

Part I

NARRATIVE DESCRIPTION
OF STATE RULES ON
EXTENDED MEDIA COVERAGE OF COURTS
(In Alphabetical Order of States)

The following material describes and categorizes the courtroom coverage rules of the 50 States and the District of Columbia and, where possible, furnishes official citations to those rules. For purposes of this material, the term "coverage" refers to audio and/or visual coverage of courtrooms by the electronic media and still photographers -- whether on behalf of television, radio, or the print media -- for news purposes. "Extended media coverage" and "electronic coverage" are used synonymously with "coverage" in this material.

On August 11, 1982, the ABA House of Delegates repealed the existing Canon and approved the new Canon 3A(7) quoted earlier by a vote of 162 to 112.

In this guide there are a number of allusions to "former Canon 3A(7)" as a short-hand means of describing state rules. In those instances, the reference is to the terms of Canon 3A(7) of the ABA Code of Judicial Conduct as they stood from 1972 until August 1982, as follows:

"A judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that a judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings;

(c) The photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

"Commentary: Temperate conduct of judicial proceedings is essential to the fair administration of justice. The recording and reproduction of a proceeding should not distort or dramatize the proceeding."

Formerly, ABA Canon 35 covered this issue. As originally enacted in 1937, this provision read: -

"Proceedings in court should be conducted with fitting dignity and decorum. The taking of photographs in the court room,

during sessions of the court or recesses between sessions, and the broadcasting of court proceedings are calculated to detract from the essential dignity of the the proceedings, degrade the court and create misconceptions with respect thereto in the mind of the public and should not be permitted."

62 A.B.A. Rep. 1134-35 (1937).

In 1952, Canon 35 was amended by insertion of a prohibition on "televising" of court proceedings and insertion of the descriptive phrase "distract the witness in giving his testimony" before the phrase "degrade the court." In addition, a second paragraph was added providing for the televising and broadcasting of certain ceremonial proceedings. 77 A.B.A. Rep. 607, 610-11 (1952).

In 1963, Canon 35 was again amended. Deleted material is shown in brackets and emphasis is added to the material which was added at that time:

"The taking of photographs in the court room, during sessions of the court or recesses between sessions, and the broadcasting or televising of court proceedings [are calculated to] detract from the essential dignity of the proceedings, distract [the] participants and witnesses in giving [his] testimony, [degrade the court] and create misconceptions with respect thereto in the mind of the public and should not be permitted.

"Provided that this restriction shall not apply to the broadcasting or televising, under the supervision of the court, of such portions of naturalization proceedings

(other than the interrogation of applicants) as are designed and carried out exclusively as a ceremony for the purpose of publicly demonstrating in an impressive manner the essential dignity and the serious nature of naturalization."

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(1) Alabama - Effective February 1, 1976, the Supreme Court of Alabama adopted Canons of Judicial Ethics regarding extended media coverage. Canon 3A(7A) and (7B) provide that trial and appellate courtroom coverage is permissible if the Supreme Court of Alabama has approved a plan for the courtroom in which coverage will occur. The plan must contain certain safeguards to assure that coverage will not detract from or degrade court proceedings, or otherwise interfere with a fair trial. If such a plan has been approved, a trial judge may, in the exercise of "sound discretion" permit coverage if: (1) in a criminal proceeding, all accused persons and the prosecutor give their written consent and (2) in a civil proceeding, all litigants and their attorneys give their written consent. Following approval of their coverage plans, appellate courts may authorize coverage if the parties and their attorneys give their written consents. In both trial and appellate contexts, the court must halt coverage during any time that a witness, party, juror, or attorney expressly objects. In an appellate setting, it must also halt coverage during any time that a judge expressly objects to coverage. On February 28, 1985, a hearing was held concerning a proposed amendment to the Canons to relax the consent requirements. A committee studied the proposal and recommended that the Court not adopt it. On June 1, 1985, the Supreme Court of Alabama issued an order stating that there would be no change in the canons. Authority: Canon 3A(7), 3A(7A), and 3A(7B), Alabama Canons of Judicial Ethics, Ala. Code, Vol. 23 (Rules of Alabama Supreme Court).

(2) Alaska - By Order No. 324 (August 24, 1978), the Alaska Supreme Court authorized experimental coverage of the proceedings of the Supreme, Superior, and District Courts in the Anchorage court facility effective September 15, 1978. By Order No. 387 (September 27, 1979), the Alaska Supreme Court amended Canon 3(A)(7)(c) of the Alaska Code of Judicial Conduct to permit coverage of trial and appellate proceedings effective November 1, 1979. Order No. 386, also dated September 27, 1979 and effective November 1, 1979, defined the rules for coverage. Canon 3(A)(7)(c), as amended by Order No. 386, required that a coverage plan be approved by the Supreme Court prior to a proceeding, which allowed for safeguards to ensure that coverage would not distract participants, impair the dignity of court proceedings, or interfere with a fair trial. Consent of the court was required, and any witnesses, jurors, or parties to trial proceedings who objected would neither be photographed nor have their testimony broadcast. The 1982 amendments to the canon, Orders No. 501 and No. 502, both dated January 11, 1982 and effective February 1, 1982, extended the scope of coverage and modified some of the conditions imposed by Order No. 386. Under Orders 501 and 502, the Court of Appeals was added to the list of courts in which coverage is permitted. Consent of the parties' attorneys, required by Order No. 386, was no longer necessary for coverage of trial proceedings. In criminal trial proceedings, the consent of the judge and the defendant had to be obtained prior to covering the proceeding; however, in

sexual offense cases, the permission of the victim, as well as the defendant and the judge, had to be obtained. Coverage of proceedings involving juveniles and those involving family matters, including divorce, domestic violence, child support, child custody and visitation, adoption, and paternity was prohibited.

By Order No. 647, effective July 1, 1985, the Alaska Supreme Court amended Canon 3A(7) and the plan for media coverage for a period of one year, effective July 1, 1985 until July 1, 1986, by eliminating the defendant consent requirement in criminal cases. Further, this order allowed coverage of family matter cases, i.e., divorce, adoption, on a case-by-case basis with the approval of the presiding judge and the consent of all parties. The administrative director may, after the recommendation of the presiding judge, suspend an individual's or organization's media coverage privileges for a period up to a year if any provision of the media plan is violated. On April 24, 1986, the Supreme Court ordered (No. 693) that the experiment be extended until October 1, 1986. By Order No. 757 and 783, the Supreme Court extended the experiment until July 1, 1987 and amended the Canon to prohibit photographing, filming or videotaping jurors in any proceeding. The experiment, which has been extended three more times, will expire July 15, 1989. Authority: Canon 3A(7), Alaska Code of Judicial Conduct, Alaska Rules of Court Procedure and Administration, Vol. IIA (as modified by the above orders).

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(3) Arizona - Canon 3(A)(7) of the Arizona Code of Judicial Conduct parallels the former ABA Canon. By order dated April 16, 1979, the Supreme Court of Arizona suspended this canon to permit coverage of its Supreme Court and the State Courts of Appeals proceedings for one year, from May 31, 1979 through May 31, 1980. Under this experiment, coverage could not detract from the dignity of court proceedings. On April 22, 1980, this experimental coverage was extended for one year (until May 31, 1981), and, later on April 29, 1981, the Supreme Court of Arizona further extended the experiment until April 16, 1982. On December 23, 1981, the Arizona Supreme Court issued an order permitting electronic coverage of public proceedings in all courts in that State for the one year period March 1, 1982 through March 1, 1983. Juvenile court and adoption proceedings were exempted from this order, and the decision whether to permit coverage was within the sole discretion of the judge. In addition, the use of personal audio recorders was allowed. By order dated February 28, 1983, permission for electronic coverage was extended from March 1, 1983 through July 1, 1983. A report on the results of the experiment was submitted to the Supreme Court of Arizona in May, 1983. The report, a compilation of questionnaire responses from persons who had participated in proceedings covered by electronic means, stated that most participants felt coverage during the experimental period did not disrupt proceedings and was beneficial. On June 30, 1983, the Arizona Supreme Court issued an

order allowing permanently electronic coverage of proceedings in all state courts and setting forth rules for coverage. These permanent rules modified, in certain respects, the rules governing Arizona's experiment. Included in the new rules is a provision prohibiting the photographing of jurors which permits them to be recognized. The judge has sole authority to decide whether to permit coverage. Authority: Canon 3(A)(7), Arizona Code of Judicial Conduct, adopted by Rule 81, Rules of the Arizona Supreme Court, Ariz. Rev. Stat., Vol. 17A (as modified by above-referenced orders).

(4) Arkansas - Canon 3(A)(7) of the Arkansas Canons of Judicial Ethics follows the former ABA Canon. By order dated December 8, 1980, however, the Arkansas Supreme Court initiated a year's experiment commencing January 1, 1981. Trial and appellate coverage was permitted but written consents of parties, attorneys, and witnesses were required. Following expiration of the experiment, a committee was appointed to formulate a recommendation. In February 1982, the committee filed a report recommending continuation of the experiment. The committee suggested deletion of the written consent requirement, although timely objection by a party or attorney would still be sufficient to preclude coverage and timely objection by a witness would preclude coverage of that witness. On March 8, 1982, the Arkansas Supreme Court adopted the committee's recommendations in their entirety and extended the experiment until further order. In KARK-TV v. Lofton, 277 Ark. 228, 640 S.W.2d 798 (1982), the Arkansas Supreme Court upheld the rule that timely objection by a party (in this case, three defendants) will preclude coverage of that proceeding, and further stated that the objecting party need not show compelling reason for objecting to coverage. The court also stated its satisfaction with the experiment thus far. See also Moore v. State, 229 Ark. 335, 315 S.W.2d 907 (1958) (continuance of trial not warranted where media photographed trial from outside the

courtroom). Authority: Canon 3A(7), Arkansas Code of
Judicial Conduct, 8 Media L. Rep. (BNA) 1360 (Ark. 1982).

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(5) California - Formerly, Rule 980 of the California Rules of Court forbade coverage; Rule 980.1 of those rules permitted coverage studies if approved by the California Judicial Council. On May 10, 1980, the Judicial Council of California added Rules 980.2 and 980.3 to permit experimental coverage and experimental educational coverage of trial and appellate courts in California for the period July 1, 1980 through June 30, 1981. These rules were the result of a prolonged study conducted prior to and after the Judicial Council of California had, on December 2, 1978, approved the concept of a one-year experimental coverage program. Under the rules, the coverage was not to be distracting or to interfere with court proceedings. The judge's consent to coverage was required, and, in trial court proceedings in criminal cases, written consents of the prosecutor and defendant had to be obtained. The court could exercise its discretion concerning coverage of objecting witnesses. Upon the United States Supreme Court's notation of probable jurisdiction in Chandler v. Florida, the Judicial Council of California amended these experimental rules to delay the beginning of the experiment by one month. Following the United States Supreme Court's ruling in Chandler v. Florida, 449 U.S. 560 (1981), the California experiment was modified, and the requirement that, in criminal cases, the defendant and prosecutor must consent was deleted, effective January 31, 1981. In May 1981, the California experiment was

extended through December 31, 1981 by the California Judicial Council. A consultant's report analyzing the first year of California's experiment, made available to the Judicial Council, concluded that, in general, coverage does not disrupt courtroom proceedings in any significant way. On November 14, 1981, the Judicial Council, after review of this report, extended the experiment until December 31, 1982. An advisory committee also reviewed this report and recommended that permanent coverage rules be adopted which would make certain modifications in the experimental rules and require explicit consent by the court prior to permitting coverage. Public comments regarding permanent coverage rules and the suggestion that tape recorders be permitted in courtrooms for personal note-taking purposes were solicited. In November 1982, the Council again extended the experiment, continuing it until December 31, 1983. At the same time, it also voted to amend Rule 980(f) to allow inconspicuous tape recorders in the courtroom on a permanent basis, effective January 1, 1983. Under this rule, court consent was not required for the use of tape recorders, although the judge was to be informed prior to their use. The tape-recorded material was to be used only for personal note-taking purposes and could not be rebroadcast; however, the court could grant permission for broadcasting of these recordings under Rule 980.2. Rule 980.3 authorized the court to allow recording for educational purposes. On November 19, 1983, the Council authorized an additional extension of the

experiment until June 30, 1984. In the same month, draft permanent rules were submitted for public comment. On June 1, 1984, the Judicial Council repealed rules 980, 980.1, 980.2, and 980.3 and adopted a new rule 980 which permits permanently extended media coverage, effective July 1, 1984. Under the permanent rules for extended media coverage, coverage is permitted only on written order of the court. The request for an order must be made on an official form. Close-up photography of the jurors is prohibited, but the ban on coverage of jury selection proceedings was lifted. The new rule also provides permission on a permanent basis for the use of tape recorders for personal note-taking purposes only. As under the old rule, the court must be informed of an intent to use tape recorders for personal notes, but consent of the court is not required. Authority: Cal. Misc. R. 980, California Rules of Court vol. 23 (West).

(6) Colorado - Expanded media coverage of all Colorado courts is permitted currently under Canon 3A(8) of the Colorado Code of Judicial Conduct. Formerly, Canons 3A(7) through (10) of the Colorado Code of Judicial Conduct permitted coverage of trial and appellate courts in Colorado. These rules resulted from hearings ordered by the Colorado Supreme Court on December 12, 1955. Following hearings in late January and early February, 1956, the referee (Justice Otto Moore) issued a report. That report, dated February 20, 1956, favored coverage and was adopted by the Colorado Supreme Court on February 27, 1956. In re Hearings Concerning Canon 35 of the Canons of Judicial Ethics, 132 Colo. 591, 296 P.2d 465 (1956). By letter dated August 2, 1982, the Colorado Bar-Press Committee requested that the Supreme Court hold public hearings on the adoption of standards similar to Florida's. A previous request had been opposed by the Colorado Bar Association. The court held a formal public hearing on this issue on January 24, 1983. On March 31, 1983, the Colorado Supreme Court adopted Temporary Canon 3A(8), which allowed expanded media coverage of court proceedings with fewer restrictions than under permanent canons. The temporary canon went into effect on June 1, 1983 and governed trial and appellate proceedings in the Colorado courts until June 1, 1985. It was extended through November 30, 1985 pending public hearings on the experiment. On October

31, 1985, the Colorado Supreme Court repealed Canons 3A(8), (9), and (10) and adopted new Canon 3A(8) effective December 1, 1985. The new canon is based substantially on the temporary canon. Under the new canon, coverage of voir dire and in camera hearings is prohibited and no close-up photography of the jury is permitted. Consents of the participants are not required. The judge is empowered to prohibit or limit coverage upon a finding of substantial likelihood of interference with a fair trial, disruption or degradation of the proceedings, or harm which is distinct from that caused by coverage by other types of media. The judge may also terminate coverage if the terms of the canon or any additional rules imposed by the Court have been violated. In a change from the temporary canon, the new Canon provides that coverage of pre-trial hearings in criminal cases, except advisements and arrangements, is prohibited. Authority: Canon 3(A)(8), Colorado Code of Judicial Conduct, Colo. Rev. Stat., Vol. 7A (Court Rules), Appendix to Chapter 24.

(7) Connecticut - Former Canon 3(A)(7) of the Connecticut Code of Judicial Conduct was similar to former ABA Canon 3(A)(7). On January 14, 1982, the Connecticut Supreme Court authorized a one-year experiment, commencing April 12, 1982, with coverage of its proceedings. On March 8, 1983 and again on March 28, 1984, the Supreme Court extended its experiment for one year. The Court retained the right to permit or exclude coverage but, generally, did not permit coverage of family relations matters, trade secrets cases, sexual offense cases, or cases otherwise closed to the public. On February 26, 1982, the Connecticut Superior Court authorized a one-year experiment, commencing June 1, 1982, permitting coverage of its proceedings. On May 1, 1983 a report was submitted to the Superior Court, stating that the experience with its experiment had been favorable. On May 23, 1983, the Superior Court extended this experiment through September 30, 1984. Coverage of Superior Court proceedings was subject to court approval and a determination by the court that coverage would not interfere with the parties' right to a fair trial. No coverage of family relations matters, trade secrets cases, sexual offense cases, or cases otherwise closed to the public was permitted in the Superior Court. Additionally, in criminal cases, sentencing hearings could be covered only if the trials were covered. In jury trials, no coverage of proceedings held in the jury's absence was permitted. On August 23, 1983, Connecticut established the

Appellate Court, a new intermediate appellate court. At the same time, a one-year experiment with coverage in that court was authorized. On June 15, 1984, the judges of the Superior, Appellate, and Supreme Courts of Connecticut voted to amend Canon 3(A)(7) to permit permanently extended media coverage in their courts. The permanent rules for coverage are substantially the same as those under which the experiments were conducted. The amended canon became effective October 1, 1984. Authority: Canon 3(A)(7), Connecticut Code of Judicial Conduct, Connecticut Rules of Court (West).

(8) Delaware - Canon 3A(7) of the Delaware Judges' Code of Judicial Conduct is similar to the former ABA Canon. Rule 169 of the Rules of the Delaware Court of Chancery applies this code to its proceedings. Rule 53 of the Delaware Superior Court Criminal Rules, Rule 53 of the Court of Common Pleas Criminal Rules, and Rule 31 of the Criminal Rules of Delaware Courts of Justices of the Peace forbid coverage. On March 16, 1981, the Bar-Bench-Press Conference of Delaware issued a report recommending that Canon 3A(7) be suspended for one year, from September 1, 1981 to August 31, 1982, to permit an experiment modeled after the Florida rule. Under the proposal, consents of parties would not have been required and final decision regarding coverage would have rested with the judge after giving all interested parties and participants an opportunity to be heard. The Supreme Court of Delaware held a public hearing on this report on September 24, 1981. On January 15, 1982, the Delaware Supreme Court ordered a one year experiment, commencing May 1, 1982, of appellate proceedings in that State. The recommendation for a one year experiment in the trial courts was, in view of the Court's perception of a lack of statistical evidence concerning the effects of electronic coverage, found "unacceptable at this time." By order dated April 29, 1982, the Delaware Supreme Court issued guidelines for its one year appellate experiment. Under those guidelines, coverage is permissible so long as it does not impair or

interrupt the orderly procedures of the Court. Consents of the parties are not required. This experiment was extended indefinitely by order of the Delaware Supreme Court, dated and effective May 2, 1983. Authority: Canon 3A(7), Delaware Judges' Code of Judicial Conduct, adopted by Rule 74, Rules of the Delaware Supreme Court, Del. Code, Vol. 16; Rule 53, Delaware Court of Common Pleas Civil Rules, Del. Code, Vol. 16; Rule 53, Delaware Superior Court Criminal Rules, Del. Code, Vol. 17; Rule 31, Delaware Courts of Justices of the Peace, Criminal Rules, Del. Code, Vol. 16. See also Rule 169, Rules of the Delaware Court of Chancery, Del. Code, Vol. 16 (as modified by above-referenced orders).

(9) District of Columbia - By order dated February 16, 1973, the Joint Committee on Judicial Administration in the District of Columbia adopted the ABA Code of Judicial Conduct. Although this order modified the ABA's Code in certain minor ways, the 1972 version of Canon 3A(7) was not affected. District of Columbia Courts, Annual Report, 1973, pp. 3 and 8. Rule 53(b) of the Superior Court Rules of Criminal Procedure, Rule 203(b) of the Superior Court Rules of Civil Procedure, Superior Court Neglect Proceedings Rule 24(b), Superior Court Juvenile Proceedings Rule 53(b), and Superior Court Domestic Relations Rule 203(b) forbid coverage in trial proceedings. On May 20, 1982, the American Civil Liberties Union of the National Capital Area petitioned the Rules Committee of the Superior Court of the District of Columbia to promulgate rules permitting electronic coverage of trial proceedings. A media committee appointed by the Superior Court drafted proposed rules for coverage. On June 26, 1984, a committee of the District of Columbia Bar released recommendations for a one-year experiment with extended media coverage in the District's trial and appellate courts. These recommendations were submitted to the District of Columbia courts. On April 12, 1985, the media members of the advisory committee made a presentation and demonstration of courtroom coverage for the District of Columbia Superior Court. The purpose of the presentation was to provide the Court with background information

and education on extended media coverage of trials. Last fall, the Board of Judges indefinitely deferred action on media coverage pending further review. Authority: All rules cited in the foregoing paragraph are contained in D.C. Code Ann. (Court Rules-D.C. Courts). It should be noted that the current D.C. Code Ann. does not contain a copy of the Code of Judicial Conduct and that, as recently as the 1978-79 Supplementary Pamphlet to the D.C. Code Encyclopedia -- Court Rules volume, a copy of the old ABA Canons of Judicial Ethics, rather than the Code of Judicial Conduct, was included.

(10) Florida - A coverage experiment was initiated by the Florida Supreme Court in Petition of Post-Newsweek Stations, Florida, Inc. on January 27, 1976. 327 So.2d 1. Initially, the experiment was not statewide and required that parties, jurors, and witnesses consent to coverage of their participation. This requirement was deleted, however, when the Florida courts met with total failure in obtaining the needed consents. On April 7, 1977, the Florida Supreme Court ordered a one-year experiment from July 1, 1977 until June 30, 1978 (347 So. 2d 402) and adopted standards of conduct and technology (347 So. 2d 404). Prior approval by the Supreme Court of proposed standards and technology governing coverage was required. On April 12, 1979 in Petition of Post-Newsweek Stations, Florida, Inc., 370 So. 2d 764, the Florida Supreme Court amended Canon 3A(7) of the Florida Code of Judicial Conduct to permit coverage of trial and appellate courts effective May 1, 1979 and repealed Florida Rule of Criminal Procedure 3.110. Coverage is subject only to the authority of the presiding judge to control court proceedings, prevent distractions, maintain decorum, and assure fairness of the trial. In Chandler v. Florida, 449 U.S. 560 (1981), the United States Supreme Court held that Florida's coverage rules met federal constitutional requirements. Subsequently, the Florida Supreme Court has issued opinions adopting standards for the exclusion of the electronic media and noting that such

exclusion is permissible only where it is shown that the proceedings will be adversely affected because of a "qualitative difference" between electronic and other forms of coverage.

Florida v. Palm Beach Newspapers, 395 So. 2d 544, 7 Media L. Rptr. (BNA) 1021 (1981); Florida v. Green, 395 So. 2d 532, 7 Media L. Rptr. (BNA) 1025 (1981) (exclusion of electronic media is appropriate where an otherwise competent criminal defendant would be rendered incompetent by electronic media coverage).

Authority: Canon 3A(7), Florida Code of Judicial Conduct, Fla. Stat. Ann. vol. 35 (West), Florida Rules of Court (West).

(11) Georgia - On May 12, 1977, the Supreme Court of Georgia amended the Georgia Code of Judicial Conduct by adding Canon 3A(8), 238 Ga. 855. (The Code had previously been adopted on December 17, 1973, effective January 1, 1974. 231 Ga. A-1.) Under Canon 3(A)(8), coverage of Georgia courts is permitted if a plan is approved in advance by the Supreme Court and if the affected court permits coverage. The Supreme Court is explicitly empowered to make rules to assure that the dignity and decorum of the proceedings remain unimpaired. Plans approved by the Supreme Court, including the plan for coverage of its own proceedings, previously required consent of the attorneys and the parties and, in the trial context, of witnesses. On May 27, 1982, the Supreme Court of Georgia ordered that, effective July 1, 1982, the requirement of written consents by parties and counsel was deleted for proceedings in the Supreme Court of Georgia. Rule 22 of the Uniform Rules for the Superior and State Courts of Georgia approved by the Supreme Court effective July 1, 1985, provides guidelines for media coverage in the trial courts. Under these guidelines, consent of the court is required and pictures of the jury may not be taken except where the jury is in the background of the matter being photographed. Authority: Canon 3A(7) and 3A(8), Georgia Code of Judicial Conduct, referenced in Ga. Code Ann. § 24-4542 (Rule 42, Rules of the Georgia Supreme Court) (as modified by the above-referenced orders); Rule 22, Uniform Superior Court Rules.

(12) Hawaii - Canon 3A(7) of the Hawaii Code of Judicial Conduct follows the former ABA Canon, which prohibited extended media coverage of courtroom proceedings. On March 20, 1981, the Hawaii Supreme Court permitted coverage of its proceedings under Canon 3A(7). Coverage of proceedings in a criminal jury trial also was allowed under the Canon on February 25, 1982.

On December 7, 1987, after a four-year experimental period of audio-visual coverage of all state courts, the Hawaii Supreme Court ordered permanent extended media coverage of state proceedings. The permanent rules are similar to the earlier experimental rules and require consent of the judge prior to coverage of a trial proceeding, but prior consent of the judge is not required for coverage of appellate proceedings. The judge may dispose of the request orally and on the record or by written order if requested by any party. A request for coverage shall be granted unless good cause is found to prohibit it. The rules specify that good cause is presumed to exist when the proceeding is for the purpose of determining the admissibility of evidence, child witnesses or complaining witnesses in a criminal sexual offense case are testifying, testimony regarding trade secrets is being given, or a witness would be put in substantial jeopardy of bodily harm. In addition, coverage of jurors or prospective jurors is prohibited. Authority: Canon 3A(7), Hawaii Code of Judicial

Conduct, modified by Rule 5.1, Rules of the Supreme Court of
the State of Hawaii (Supreme Court of Hawaii).

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(13) Idaho - By order dated September 27, 1976, the Idaho Supreme Court adopted a Code of Judicial Conduct to replace the Canons of Judicial Ethics which were previously in effect. Canon 3A(7) of the Idaho Code of Judicial Conduct specifies that judges shall comply with any coverage rule promulgated by the Supreme Court. By order dated October 18, 1978, the Supreme Court approved a plan for experimental coverage of its Boise proceedings for the period December 4, 1978 through June 30, 1979. Coverage was subject to the Court's discretion. By order dated August 27, 1979, the Supreme Court authorized coverage of its Boise proceedings for an indefinite period. The Supreme Court retains discretion to forbid coverage when it would interfere with "the proper administration of justice." On August 27, 1979, the Supreme Court also authorized one year of experimental coverage (October 9, 1979 through October 8, 1980) -- subject to the Court's discretion -- of its proceedings outside the Boise area. On September 3, 1980, coverage of Supreme Court proceedings outside Boise was permitted on a permanent basis. By order dated November 12, 1981 and effective January 4, 1982, the Supreme Court of Idaho authorized coverage of Court of Appeals proceedings in Boise for an indefinite period. Consents of the parties and counsel are not required, but the Court of Appeals has the right to limit coverage of any hearing or appeal in the interests of the administration of justice. Another order, also dated

November 12, 1981 and effective January 4, 1982, authorized coverage of Court of Appeals public hearings and appeals for an indefinite period in the terms of court outside of Boise, subject to the same guidelines as those for the courts in Boise. Authority: Canon 3A(7), Idaho Code of Judicial Conduct, Idaho State Bar Desk Book (as modified by above-referenced orders).

(14) Illinois - Rule 61(c)(24) of the Rules of the Illinois Supreme Court parallels the provisions of former ABA Canon 35 as originally adopted in 1937. Illinois Revised Statutes, Chapter 51, § 57 specifies that no witness shall be compelled to testify in any court in the State if any portion of his testimony is to be covered. Petitions of the Chicago Council of Lawyers and the Illinois News Broadcasters Association to amend Illinois Supreme Court Rule 61(c)(24) were denied by the Illinois Supreme Court in 1975 and 1978, respectively. In March 1981, however, the Chicago Council of Lawyers again submitted a petition proposing experimental coverage where all private parties consent, followed in April by a CBS Television petition to the Illinois Supreme Court for adoption of extended coverage guidelines which would not require consent of the parties. The Illinois News Broadcasters Association, the Illinois Freedom of Information Council, and 34 other media organizations also filed a petition with the Illinois Supreme Court in May 1981, requesting that extended coverage be permitted. In June, 1981, the Illinois State Bar Association adopted the majority report of its Special Committee on Cameras in the Courtroom. The majority report recommended permitting coverage but, in trial proceedings, only with the consent of all parties. The minority report recommended a provision not requiring consents of any party. Both reports were forwarded to the Illinois Supreme Court. By order entered November 29,

1983, the Illinois Supreme Court authorized a one-year experiment with extended coverage in the state's appellate courts, beginning on January 1, 1984 and concluding on December 31, 1984. On January 22, 1985, the Illinois Supreme Court made permanent the experimental provisions for extended media coverage of appellate proceedings. At the same time, the Court decided, 4-3, not to permit coverage of the trial courts. For coverage of appellate proceedings, consents are not required, although the judge or presiding officer may prohibit coverage or terminate it at any time, for good cause. Prior notice of intent to cover a proceeding must be given. Authority: Rule 61(c)(24), Rules of the Illinois Supreme Court, Ill. Rev. Stat. Chapter 110A; Ill. Rev. Stat. Chapter 51, § 57 (as modified by above-referenced orders).

(15) Indiana - Canon 3A(7) of the Indiana Code of Judicial Conduct is based on the former ABA provision, which prohibited extended media coverage. Electronic coverage of trial proceedings occurred several times in Indiana but ceased after the Chief Justice of the Indiana Supreme Court notified State judges of the requirements of Canon 3A(7). Also, the Indiana Supreme Court had allowed the news media to take photographs in and about its courtroom before proceedings started and after they ended. However, in December 1982, after a television cameraman filmed an oral argument through a window in the courtroom door the Indiana Supreme Court issued an order barring cameras and tape recorders from certain areas of the State House thirty minutes prior to, during, and thirty minutes after any proceeding in the Supreme Court Room or the Supreme Court Conference Room.

On September 18, 1987, a letter on behalf of the coalition of Indiana news organizations was submitted to Justice Pivarnik of the Indiana Supreme Court requesting that the court consider an amendment to the Code of Judicial Conduct to permit extended media coverage of Indiana court proceedings and authorize an experiment in various cities. On December 8, 1987, the Chief Justice of the state court denied the request in writing, stating a majority of the court rejected the proposed experiment. He also indicated, however that a minority of the court would favor either immediately amending the rules to permit audio coverage and opening a formal public inquiry on the use of

cameras or approving the proposed experiment. In addition, the entire court expressed its willingness to reconsider the matter in the future. Authority: Canon 3A(7), Indiana Code of Judicial Conduct, Ind. Code Ann. (Court Rules, Book 2) (Burns).

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(16) Iowa - The original Canon 3A(7) of the Iowa Code of Judicial Conduct paralleled the former ABA Canon. On June 25, 1979, the Iowa Supreme Court ordered a public hearing on the coverage question. Following a hearing in September 1979, that Court, by order dated November 21, 1979, suspended Canon 3A(7) for a one-year period beginning January 1, 1980 and substituted a revised provision which enumerated technical guidelines and which permitted coverage of trial and appellate courts subject to the affected Court's prior permission. In determining whether to grant permission, judges were to allow coverage unless, upon objection and showing of good cause, it would "materially interfere" with a fair trial. Consents of the parties were not required except in "juvenile, dissolution, adoption, child custody or trade secrets cases." On December 12, 1980, the Supreme Court of Iowa extended the experiment for one year until December 31, 1981. On December 22, 1981, the Supreme Court of Iowa revised Canon 3A(7) and adopted permanent rules permitting extended media coverage of trial and appellate courts effective January 1, 1982.

The revised Canon allows extended media coverage subject to the authority of the presiding judge to control courtroom conduct and to ensure the fair administration of justice. The permanent rules are slightly more restrictive than the former experimental rules and limit jury coverage, require consent to

cover the testimony of a victim/witness in a sexual abuse case, and specify that objections by certain types of witnesses (e.g., police informants, undercover agents, and relocated witnesses) shall enjoy a rebuttable presumption of validity. In certain types of cases (juvenile, dissolution, adoption, child custody, and trade secret cases), coverage is permitted only if all parties consent. Authority: Canon 3A(7), Iowa Code of Judicial Conduct, Iowa Code Ann. vol. 40 (West).

(17) Kansas - Until recently, Canon 3A(7) of the Kansas Code of Judicial Conduct was premised on the former ABA provision, which prohibited extended media coverage. In 1981, the Kansas Supreme Court adopted Supreme Court Rule 1.07 which permitted audio tape recorders in its proceedings and use of such recordings for news purposes. In July 1981, the Court established a one-year experiment permitting expanded media coverage of its proceedings. Consents of the parties were not required. In 1982, with the amendment of Canon 3A(7)(d), the experimental rule became permanent, and coverage was extended to Court of Appeals proceedings. In 1983, the Kansas Supreme Court authorized expanded media coverage of trial courts on an experimental basis in four judicial districts. On December 27, 1984, the court authorized a one-year extension of the trial court experiment and expanded it to include thirteen districts. The experiment was expanded to permit coverage in all state districts in February 1986 and was continued on this basis until September 1, 1988.

On July 13, 1988, the Kansas Supreme Court amended Canon 3A(7) to allow television coverage in the courtroom during sessions of court or recesses between sessions effective September 1, 1988. Canon 3A(7) requires that such coverage conform with Supreme Court Rule 1001 adopted that day. Rule 1001 authorizes extended media coverage of appellate and trial court proceedings and, for the first time, extends coverage to state municipal court proceedings. Under this rule, coverage is permissible only by the news media and educational television stations and only for news or educational purposes.

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The media must give at least one week's notice of its intention to cover a proceeding. However, this requirement may be waived upon a showing of good cause. Photographing of individual jurors is prohibited, and where coverage of the jury is unavoidable, no close-ups may be taken. Consents of the participants are not required. The presiding judge may prohibit coverage of individual participants at his discretion; however, if a participant is a police informant, undercover agent, relocated or juvenile witness, or victim/witness and requests not to be covered, the judge must prohibit coverage of that person. Coverage of a participant in proceedings involving motions to suppress evidence, divorce, or trade secrets will also be prohibited, if the participant so requests. Coverage of materials on counsel tables, photographing through the windows or open doors of the courtroom also is prohibited. Moreover, criminal defendants may not be photographed in restraints as they are being escorted to or from court proceedings prior to rendition of the verdict.

Authority: Canon 3A(7), Kansas Code of Judicial Conduct, adopted by Rule 601, Rules of the Kansas Supreme Court, Kan. Stat. § 20-176; Rule 1001, Rules of the Kansas Supreme Court, Kan. Court Rules Annot. 357 (1988) (repealing Kansas Supreme Court Rule 1.07).

The rule provides, inter alia, for judicial discretion and prohibits coverage in certain circumstances (e.g., request of crime victim or of a participant in a case involving trade secrets). Written comments on the rule are due July 1, 1988.

Authority: Canon 3A(7), Kansas Code of Judicial Conduct, adopted by Rule 601, Rules of the Kansas Supreme Court, Kan. Stat. § 20-176; Rule 1.07, Rules of the Kansas Supreme Court, Kan. Stat. § 20-176 (as modified by above-referenced orders).

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(18) Kentucky - Formerly, Canon 3A(7) of the Kentucky Code of Judicial Conduct followed the 1972 ABA provision. This version of Canon 3A(7) was adopted on October 24, 1977, and took effect on January 1, 1978. Prior to adopting the Canon, however, the Jefferson Circuit Court (30th Judicial Circuit) in an August 23, 1977 resolution agreed to permit coverage of their trial proceedings unless it became disruptive or except in certain sensitive trial situations involving children and matters of domestic relations.

The Kentucky Supreme Court, on April 10, 1981, amended Canon 3A(7) to permit electronic coverage in all appellate and trial court proceedings effective July 1, 1981. Consents of the parties are not required, but coverage is subject to the authority of the presiding judge. Authority: Canon 3A(7), Kentucky Code of Judicial Conduct, Rule 4.300, Rules of the Kentucky Supreme Court, Ky. Rev. Stat. Ann. vol. 9 (Baldwin).

(19) Louisiana - Canon 3A(7) of the Louisiana Code of Judicial Conduct follows generally the former ABA provision. On February 23, 1978, the Louisiana Supreme Court Conference authorized one year of experimental coverage in a particular trial court. Written permission of the parties and their counsel was required, and, in criminal cases, consents of the victim, defendant and the District Attorney were also required. On May 3, 1979, the Supreme Court of Louisiana extended the experiment for one year from the date of its order. On July 13, 1979, Section 4164 of Title 13 of the Louisiana Revised Statutes became law. It permits coverage of court proceedings pursuant to any motion and stipulation, agreed to by all parties and approved by the judge. In Fitzmorris v. Lambert, 377 So.2d 65 (1979), the Louisiana Supreme Court held that this statute and Canon 3A(7) did not necessarily conflict as long as a trial judge, in exercising his authority under the statute, complies with the requirements of the Canon. This appeared to mean that, unless the Canon was amended, coverage would be permitted for educational purposes only. On May 9, 1980, Judge Douglas M. Gonzales, Division L of the Nineteenth Judicial District for East Baton Rouge Parish requested the Louisiana Supreme Court to authorize a one-year experiment permitting coverage of civil trials in that division. This request was rejected on December 11, 1980. In a few isolated instances, coverage of judicial proceedings by the extended media was permitted by the Louisiana Supreme Court

in 1983. On August 21 and 22, 1984, a two-day experiment with extended media coverage was held in the Louisiana Court of Appeal, Second Circuit. On April 11, 1984 the Chief Justice of the Louisiana Supreme Court appointed a 16-member committee to consider whether to amend Canon 3A(7) to permit extended media coverage in Louisiana's appellate courts. The members of the committee were drawn from the bench, the Office of the Judicial Administrator, and the media. On April 23, 1985, the Supreme Court of Louisiana amended Canon 3A(7) to permit extended media coverage of appellate proceedings on a permanent basis. Consents are not required, although the Court may prohibit coverage upon its own motion or objection by a party. Notice of intent to cover a proceeding must be made at least 20 days in advance or, in expedited proceedings, within a reasonable time. Coverage is prohibited for those proceedings which by law must or may be held in private. Authority: Canon 3A(7), Louisiana Code of Judicial Conduct, La. Rev. Stat. Ann., Vol. 8 (Appendix); La. Rev. Stat. Ann. § 13-4164 (as modified by the above-referenced order).

(20) Maine - Rule 53 of the Maine Rules of Criminal Procedure bars coverage in criminal cases. Likewise, Rule 53 of the Maine District Court Criminal Rules forbids coverage in district court criminal cases. The Maine Code of Judicial Conduct deletes Canon 3A(7). Accordingly, until recently, Maine had no provision barring coverage of civil cases. In December, 1981, the Maine Supreme Judicial Court Advisory Committee on Criminal Rules issued a report recommending no change in Criminal Rule 53 and suggesting that a coverage experiment, if any, should be conducted at the appellate court level. On January 22, 1982, the Maine Supreme Court issued a notice requesting comments on the report. After reviewing those comments, the Maine Supreme Judicial Court issued an administrative order, dated and effective April 2, 1982, permitting coverage of its proceedings as an appellate court for a one-year period. Coverage of the Court's proceedings requires the Court's consent and must not impair or interrupt its orderly proceedings. In addition, the Maine Supreme Judicial Court adopted a rule -- from which the appellate court is exempt -- patterned after former ABA Canon 3A(7) that prohibits coverage in civil as well as criminal trials. The Order, however, also permits the Court to create further exceptions which would allow increased coverage. By order dated March 14, 1983, the Supreme Judicial Court extended the appellate coverage until April 2, 1984. On March 13, 1984, the Court issued an order extending the appellate coverage indefinitely. On January 8, 1986, Governor

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Brennan signed legislation, L.D. 1161, which requires the Supreme Judicial Court to adopt rules for expanded media coverage of Maine's trial courts. However, on April 25, 1986 the Maine Supreme Judicial Court sent a "direct letter of address" to Governor Brennan stating that the mandate is ineffective because it violates the separation of powers provisions of the Maine Constitution, and the court further declined to promulgate rules as contemplated by the legislative act. Authority: M.R. Crim. P. 53; M.D.C. Crim. R. 53; In re Photographic and Electronic Coverage of the Courts (Mar. 13, 1984), Maine Rules of Court (West); and P.L. 1985 Ch. 515.

(21) Maryland - Canon XXXIV of the Maryland Canons of Judicial Ethics is based on ABA Canon 35 following the 1963 amendments. Rule 11 of the Maryland Rules of Judicial Ethics also forbids coverage. A petition to modify Canon XXXIV was submitted to the Maryland Court of Appeals on September 25, 1979. Petition of WBAL Division. Subsequently, experimental coverage was recommended by a Judges' Committee and by the Special Committee on Cameras in the Courtroom of the Maryland State Bar Association. By order dated November 10, 1980, the Maryland Court of Appeals ordered an 18-month experimental coverage of both trial and appellate courts, commencing January 1, 1981. Consents of participants were generally required in civil and criminal trials, with the exception of governmental entities or officials who were parties. Two bills to prohibit electronic media coverage of trials passed both the Maryland House of Delegates and the Maryland Senate. S.123, forbidding electronic coverage of any trial court proceedings, was vetoed, but H.231, barring electronic coverage of criminal trials and adding Section 467B to Article 27 of the Annotated Code of Maryland, was signed by Governor Hughes on May 19, 1981. On May 7, 1982, the Maryland Court of Appeals made permanent its rule permitting appellate court coverage and extended the experimental rule permitting civil trial coverage until June 30, 1983. On May 26, 1983, the Court of Appeals issued an Order extending the civil trial experiment for one year, until

June 30, 1984, under the present rules. On May 4, 1984, the Court of Appeals made permanent the experimental rules for extended media coverage of Maryland's civil trial proceedings, effective July 1, 1984. Authority: Canon XXXIV, Maryland Canons of Judicial Ethics, adopted by Rules 1209 and 1231, Annotated Code of Maryland, Maryland Rules, Volume 2 (1986 Repl. Vol.).

(22) Massachusetts - Former Canon 3(A)(7) of the Massachusetts Code of Judicial Conduct was similar, but not identical, to the former ABA provision. On March 21, 1980, the Supreme Judicial Court suspended this canon effective April 1, 1980 for an experimental one-year period. Appellate court coverage of civil and criminal cases began April 1, 1980; coverage of public, non-jury trials (civil and criminal) commenced May 1, 1980; and coverage of public jury trials (civil and criminal) was permissible as of June 1, 1980. Generally, coverage was to be allowed unless the court finds that there is "a substantial likelihood of harm to any person or other serious harmful consequence" resulting from such coverage. On April 16, 1981, the Supreme Judicial Court extended the experiment on all court levels until June 1, 1982. The experiment was extended indefinitely on May 27, 1982 to permit continuation of coverage while an advisory committee formulated its recommendations on electronic coverage. A public hearing was held before the committee on June 8, 1982, and on July 16, 1982 the committee released its report on the experiment recommending the adoption of permanent rules permitting coverage. On November 10, 1982, the Supreme Judicial Court adopted a new Canon 3(A)(7), effective January 1, 1983 (experimental rules remained in effect until that date), permitting permanently electronic coverage in the state's courtrooms. The permanent rules adopted contain minor changes from those under which the experiment was conducted,

but consent of the parties is still not required. The Court also added a new provision which allows, when authorized by court rules, the use of electronic or photographic media to present evidence, for the perpetuation of a record, for other purposes of judicial administration, and for the preparation of educational materials. Authority: Canon 3(A)(7), Massachusetts Code of Judicial Conduct, adopted by Rule 3:09, Rules of Massachusetts Supreme Judicial Court, Massachusetts Rules of Court, Desk Copy (West 1980)(as modified by above-referenced orders).

(23) Michigan - Canon 3A(7) of the Michigan Code of Judicial Conduct forbids coverage unless authorized by the Michigan Supreme Court. On January 13, 1989, the court issued Administrative Order 1989-1 authorizing an exception to the canon to permit extended media coverage in all courts effective March 1, 1989.

This decision follows a 45-day pilot coverage program held in five counties in 1987 and a one year coverage experiment begun in February 1988 which permitted limited coverage of trial and appellate courts in all counties, except for the juvenile division of the probate court. In June 1988, the court lifted the coverage limitations imposed on trial courts in the five counties which had participated in the 1987 pilot coverage program. Based on their observations of the experimental program, the Michigan Committee on Cameras in the Courtroom recommended in November 1988 that the Supreme Court open all courtrooms in the state to cameras and recording equipment.

Under the permanent guidelines, effective March 1, 1989, requests for coverage must be made in writing not less than three business days before the proceeding is scheduled to begin. A judge may terminate, suspend or exclude coverage at any time upon a finding, made and articulated on the record that the rules for coverage have been violated or that the fair administration of justice requires such action. Such decisions are not appealable. As with the experimental provisions, coverage of jurors or the jury selection process is not

permitted. The judge has sole discretion to exclude coverage of certain witnesses, including but not limited to, the victims of sex crimes and their families, police informants, undercover agents and relocated witnesses. Authority: Canon 3A(7), Michigan Code of Judicial Conduct, Michigan Rules of Court 1986 (as modified by the above-referenced order).

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(24) Minnesota - The original Canon 3A(7) of the Minnesota Code of Judicial Conduct paralleled the former ABA provision, which prohibited extended media coverage of courtroom proceedings. By order dated January 27, 1978, the Minnesota Supreme Court modified Canon 3A(7) for experimental purposes in cases pending before that tribunal. The experiment was for an indefinite period, and waiver of the rules was at the discretion of the Court. On March 18, 1981, various media groups petitioned the Minnesota Supreme Court for a permanent amendment of Canon 3A(7) or, alternatively, for a two-year experiment which would include trial court coverage. The Minnesota Supreme Court appointed a three member panel to review this proposal and in mid-January, 1982, that committee voted 2-1 in favor of a two-year experiment. By order dated and effective April 18, 1983, the Minnesota Supreme Court granted the petition in part and authorized experimental extended media coverage of trial court proceedings for two years until April 18, 1985. On August 21, 1985, the experiment was extended until April 17, 1987. Although the experimental period has not officially been continued since its April 17, 1987 expiration, extended media coverage has been permitted on a case-by-case basis.

The judge and all parties must consent to coverage prior to commencement of the trial. Coverage of witnesses who object prior to testifying and coverage of jurors is prohibited, as is coverage of hearings which take place outside of the presence

of the jury. Judges and media representatives must inform the Supreme Court of denials of coverage requests and the reason for such denials.

On April 20, 1983, the Minnesota Supreme Court issued an order making permanent the modifications to Canon 3A(7) to permit electronic coverage of Supreme Court proceedings. In that court, consents of the parties and witnesses are not required, and the Clerk of the Supreme Court must be notified of an intent to cover the proceedings at least 24 hours in advance of the coverage. By action of September 25, 1987, the Court of Appeals amended Rule 2.7 of the Court of Appeals Internal Rules to extend permanent coverage to the Minnesota Court of Appeals. The Court of Appeals rule generally parallels the Supreme Court coverage rules.

On October 3, 1988 the Minnesota Joint Media Committee filed a Petition for Modification of Canon 3A(7) with the Minnesota Supreme Court to allow media coverage of trial court proceedings for a further experimental period of no more than twelve months. The petitioners seek modification of previous trial court coverage rules by deleting the consent requirements and prohibitions on coverage of an objecting witness. The Supreme Court has scheduled a hearing during April 1989 to discuss the proposal. Authority: Canon 3A(7), Minnesota Code of Judicial Conduct, Minn. Stat. Ann. vol. 52 (West); Rule 2.7, Court of Appeals Internal Rules, Minn. Stat. Ann. vol. 51 (West).

(25) Mississippi - Canon 3A(7) of the Code of Judicial Conduct of Mississippi Judges is the operative provision and parallels the former ABA Canon. The coverage issue was studied by a committee of the Conference of Mississippi Judges, and on October 26, 1981 the Conference voted not to make any changes in the pertinent rules. A group of media attorneys drafted proposed guidelines for an experiment with extended media coverage and made a presentation on the issue to the Conference of Mississippi Judges. On October 1, 1984, Crossroads Community Video, Inc. filed a petition with the Supreme Court of Mississippi to permit the televising of state court proceedings. In re: Crossroads Community Video, Inc., Misc. No. 1750. In November 1984, WLOX Broadcasting Company filed a joinder to the petition. The Chief Justice of the Mississippi Supreme Court responded to the petition on November 28, 1984 by designating a committee of three judges to study Canon 3(7)(a) and the petition. On October 30, 1985, the Supreme Court entered an order denying the petition, but did not issue an opinion on the matter. Authority: Canon 3A(7), Code of Judicial Conduct of Mississippi Judges, Code of Professional Responsibility, Code of Judicial Conduct, Ethics Opinions (Mississippi State Bar).

(26) Missouri - Canon 3(A)(7) of the Missouri Code of Judicial Conduct is based on the former ABA provision. On November 19, 1979, the Board of Governors of the Missouri Bar submitted a proposal to the Missouri Supreme Court recommending that coverage of appellate proceedings be permitted with the consent of the parties. The Missouri Supreme Court decided not to change the Canon on May 5, 1981. In late April 1980, however, television coverage of a three-day murder trial in Cole County Circuit Court was permitted by the trial judge.

On February 5, 1988, the Missouri Freedom of Information Council filed a petition with the Missouri Supreme Court requesting amendment of Canon 3(A)(7) to allow permanent media coverage of courtroom proceedings or in the alternative to allow a two-year experimental program. Under the proposed amendment, coverage of individually identifiable jurors and conferences between co-counsel, client and counsel and with the presiding judge would be prohibited. However, coverage of the jury foreman while reading the verdict would be allowed. Coverage of certain witnesses (i.e. a victim or witness of a crime, a police informant, an undercover agent or relocated witness, or a juvenile) could be prohibited where there is a timely objection and sufficient reason not to allow coverage. The media must give notice of coverage at least 48 hours prior to the commencement of the proceeding. Authority: Canon 3(A)(7), Missouri Code of Judicial Conduct, Rule 2, Missouri Supreme Court Rules, Mo. Ann. Stat. vol. 1 (Vernon).

(27) Montana - On February 3, 1978, the Montana Supreme Court suspended Canon 35 of the Montana Canons of Judicial Ethics, which was premised on ABA Canon 35 following its amendment in 1952, to allow for a two-year experiment commencing April 1, 1978. In the Matter of Canon 35 of the Montana Canons of Judicial Ethics. Experimental Canon 35 required trial and appellate courts in Montana to permit coverage unless coverage in a particular case was deemed to "substantially and materially interfere with the primary function of the court to resolve disputes fairly." In such cases, the court was required to record its reasons for forbidding coverage. On April 18, 1980, the Montana Supreme Court amended Canon 35 of the Montana Canons of Judicial Ethics, effective immediately, to allow coverage of trial and appellate courts in that State. The terms of the amended Canon are identical to those of the experimental canon. Authority: Canon 35, Montana Canons of Judicial Ethics, 176 Mont. xxiii, 6 Media L. Rep. (BNA) 1543 (1980).

(28) Nebraska - Canon 3A(7) of the Nebraska Code of Judicial Conduct, adopted on April 18, 1973, was the same as former ABA Canon 3A(7). By order dated and effective October 1, 1982, the Supreme Court of Nebraska authorized one-year experimental coverage of all proceedings in the Supreme Court of Nebraska. The experiment concluded on September 30, 1983. By order dated and effective October 1, 1983, the Supreme Court of Nebraska adopted permanent rules allowing extended media coverage of its proceedings. The permanent rules are the same as those under which the experiment was conducted except that the prior permission requirement was eliminated by Supreme Court Rule 8.1, effective January 18, 1985. Consents of the parties are not required, although a party may file an objection to media coverage before commencement of the proceedings in question. Authority: Canon 3A(7), Nebraska Code of Judicial Conduct, Nebraska Supreme Court Rules 8.1-.3 (1986).

(29) Nevada - Former Canon 3A(7) of the Nevada Code of Judicial Conduct specified that a court should, on its own motion, the motion of any attorney, or the request of a witness testifying under subpoena, prohibit coverage by minute order. The operation of this Canon was suspended on February 6, 1980, when the Nevada Supreme Court began experimental coverage of trial and appellate courts. Following an eight year experimental period, the Nevada Supreme Court on April 29, 1988, ordered that the rules permitting experimental coverage be made permanent effective May 31, 1988, and that Canon 3A(7) be revised to permit coverage of judicial proceedings.

The permanent rules do not require consent of the participants but place the issue of coverage at the judge's discretion except for certain proceedings which are made confidential by law. The judge may prohibit coverage of any participant who does not consent to being filmed or photographed. Requests for coverage must be made in writing at least 72 hours in advance of the proceeding, but for good cause, the judge may grant a request on shorter notice. Deliberate coverage of jurors or of conferences of counsel is

Order No. 26 provides that the experimental rules are in effect "until further order" of the Court. Authority: Canon 3A(7), Nevada Code of Judicial Conduct, adopted as Part IV of the Rules of the Nevada Supreme Court, Nev. Rev. Stat., Vol. 1 (as modified by above-referenced order).

(30) New Hampshire - Rule 19 (formerly Rule 29) of the Rules of the Supreme Court of New Hampshire, effective July 1, 1979, permits coverage of that Court's proceedings subject to the Court's consent. Canon 3A(7) of New Hampshire Supreme Court Rule 25 was, by order dated October 12, 1977, amended to permit the New Hampshire Superior Court to issue rules governing coverage effective January 1, 1978. Rule 78(A) of the Rules of the New Hampshire Superior Court, effective January 1, 1978, forbids coverage except as provided in those rules or by order of the Presiding Justice. Interim guidelines for that rule permit coverage and state that the Presiding Justice may forbid coverage on his motion or on the motion of an attorney, party, or any witness called to testify. They also require prior express approval of the Presiding Justice in order to cover the jury in criminal cases. Authority: Rule 25 and 19, New Hampshire Supreme Court Rules, State of New Hampshire Court Rules and Directory (Equity); Rule 78(A) New Hampshire Superior Court Rules and Directory (Equity). These rules were formerly published as Appendices to N.H. Rev. Stat. Ann. Chapters 490.

(31) New Jersey - Rule 1:14 of the Rules of General Application to the Courts of New Jersey states that the ABA Code of Judicial Conduct, as amended and supplemented by the New Jersey Supreme Court, governs the conduct of New Jersey judges. By order dated November 21, 1978, the New Jersey Supreme Court ordered relaxation of Canon 3A(7) of the New Jersey Code of Judicial Conduct for the purpose of allowing coverage of its proceedings on December 12, 1978. On March 15, 1979, that Court ordered further relaxation of the Code of Judicial Conduct to permit coverage for an experimental period lasting one year or until six trials had been covered. The experiment commenced May 1, 1979. Under the experiment, coverage of New Jersey's appellate courts was permitted, and coverage of trial courts was allowed in Atlantic and Bergen Counties. Consents of participants were not required, but coverage of trials was banned in juvenile court cases or cases involving rape, child custody, divorce or matrimonial disputes, and trade secrets. Trial courts were also explicitly empowered to prohibit coverage where coverage would substantially increase the threat of harm to any participant or interfere with a fair trial or the fair administration of justice. Photographs of juries could not permit visual recognition of the jurors. Media representatives with reasonable notice could petition the court for permission to cover a proceeding. On April 30, 1980, the New Jersey Supreme Court extended the experiment for an

additional six months (until November 1, 1980) and expanded the experiment to permit trial coverage in all counties of the State. On October 8, 1980, the New Jersey Supreme Court made permanent its rule permitting coverage of appellate proceedings. On October 29, 1980, the Supreme Court extended the trial court experiment to July 1, 1981, and by order dated and effective June 9, 1981, the New Jersey Supreme Court made permanent its rules permitting coverage of trial proceedings. Under the appellate and trial experiments and the permanent rules, coverage of New Jersey's municipal courts was explicitly prohibited; however, on November 22, 1982, the New Jersey Supreme Court authorized experimental coverage of the municipal courts in the vicinages of Bergen, Mercer and Camden, effective December 13, 1982. On November 7, 1983, the Supreme Court of New Jersey authorized experimental coverage of the municipal courts in all vicinages in the state, beginning January 3, 1984. The municipal court experiment was conducted under the same rules as those for coverage in trial and appellate courts, except that coverage of domestic disputes was prohibited but permitted in cases involving 17 year old defendants charged with motor vehicle violations and 15 to 17 year olds charged with moped violations. On March 19, 1985, the New Jersey Supreme Court amended the guidelines to permit coverage of victims under 18 years old and witnesses under 14 years old, subject to the discretion of the trial judges and review by the assignment

judge. The exclusion of rape cases was broadened to exclude cases involving sexual penetration or attempted penetration. Effective September 1, 1986, the Supreme Court concluded the municipal court experiment and made coverage permanent, subject to the same rules, with one change; coverage of juveniles charged with moped violations were excluded. In addition, the Court permitted print media representatives to tape-record the same proceedings open to the electronic media as an additional reportorial tool, subject to a number of operational and technical standards. Authority: Canon 3A(7), New Jersey Code of Judicial Conduct, Rules of General Application to the Courts of New Jersey, Part I (Appendix), New Jersey Court Rules (Pressler) (as modified by above-referenced orders); Rule 1:14, Rules of General Application to the Courts of New Jersey, New Jersey Court Rules (Pressler).

(32) New Mexico - The New Mexico Supreme Court, by order dated August 14, 1978, permitted coverage of a criminal trial proceeding. In the Matter of Photographs, Radio and Television Coverage in State of New Mexico v. Richard Miller, Canon No. 30581-Criminal, Bernalillo County, New Mexico, 8000 Misc. By order dated April 28, 1980, the New Mexico Supreme Court withdrew Canon 3A(7) of the New Mexico Code of Judicial Conduct and substituted a provision authorizing coverage of trial and appellate courts in New Mexico for a one-year experiment beginning July 1, 1980. The experiment was extended, by order dated June 25, 1981, until such time as the New Mexico Supreme Court had reviewed the results of the experiment. For appellate coverage, consents of the parties and counsel were not required, and the court was empowered to impose limitations on coverage. In the trial courts, the court could authorize coverage, subject to certain limitations, such as exclusion from coverage of certain individuals and types of witnesses, exclusion from photographic coverage of jurors unless the jurors and the court consented, and obtaining the consent of defendants in criminal trials. On November 19, 1981, effective January 1, 1982, the New Mexico Supreme Court extended the experiment through December 31, 1982 and modified the experimental rule to parallel Florida's rule. In addition, coverage of the jury was precluded. By order dated December 22, 1982, a new Canon 3A(7)

was approved, effective January 1, 1983, which allows permanently electronic coverage of proceedings in the state's appellate and trial courts. Under the new canon, the judge may limit or deny coverage for good cause and he or she has plenary discretion to exclude coverage of certain types of witnesses, including, but not limited to, the victims of sex crimes and their families, police informants, undercover agents, relocated witnesses and juveniles. Any party may request or object to coverage prior to the trial, subject to decision by the court. Filming of the jury or any juror is prohibited, as is filming of jury selection. On June 25, 1985, effective October 1, 1985, the Supreme Court adopted Rule 9, Supreme Court Miscellaneous Rules to replace Canon 3A(7). The text remains the same, Authority: Rule 9, Supreme Court Miscellaneous Rules, N.M. Stat. Ann., Vol. 2 (Judicial Volume).

(33) New York - Canon 3A(7) of the New York Code of Judicial Conduct is similar to the former ABA provision, which prohibited extended media coverage. The Canon is subject to the rules of the Administrative Board of the Judicial Conference (and now the rules of the Chief Judge). Those rules currently permit (on a permanent basis) extended media coverage of appellate courts and permit (for an eighteen-month experimental period) extended media coverage of trial courts. The Administrative Board's rule, 22 NYCRR § 29.1, prohibits coverage unless permission is first obtained from the Chief Administrative Judge or Chief Administrator (or his or her designee), as well as the Chief Judge of the Court of Appeals or the presiding justice of the Appellate Division in which the court is located.

Appellate Courts

In 1980, the New York Court of Appeals amended its rules to allow coverage of appellate court proceedings, effective January 1, 1981 ("1980 Order"). 22 NYCRR § 29.2. The 1980 rule authorizes electronic photographic recording of proceedings in appellate courts, subject to the approval of the respective appellate court and subject to various technical conditions concerning media equipment. Consent to coverage is not required and objections by counsel or parties are limited to those showing good cause. Section 29.1 remains in effect.

Trial Courts

The 1980 Order also authorized a one-year experimental program of coverage of trial proceedings. 22 NYCRR § 29.3. The experiment, however, was never implemented because it was contingent upon amendment or repeal of Section 52 of New York's Civil Rights Law (which bans coverage when witnesses appear or may appear under subpoena), which is still in effect.

In May and June 1987, the Assembly and Senate passed identical bills, A.77-B and S.3838-A, allowing experimental extended media coverage of civil and criminal trial court cases in New York State for a period of eighteen months, notwithstanding the provisions of Section 52 of the Civil Rights Law. The legislation, which was signed by Governor Cuomo on June 16, 1987, adds a new section 218 to the Judiciary Law. Laws of 1987, Chapter 113 (to be codified at Judiciary Law § 218). The experimental period became effective December 1, 1987 and will continue until May 31, 1989.

On November 12, 1987, pursuant to the authority provided in Section 218 of the Judiciary Law, the Chief Administrative Judge issued an Administrative Order adopting new Part 131 of the Rules of the Chief Administrator of the Courts (22 NYCRR Part 131). Part 131 generally incorporates the statutory provisions contained in Section 218. On the same day, the Chief Judge of the New York Court of Appeals repealed section 29.3 of the Rules of the Chief Judge (the original one-year experimental

rule that never went into effect) and adopted a new section 29.3, which provides that extended media coverage shall be permitted (only) in accordance with Part 131 (the new eighteen-month experimental rule).

Part 131 designates the following counties and effective dates where extended media coverage is authorized: 1) New York, Bronx, Kings, Queens, Richmond, Monroe, Onondaga, Erie and Chemung Counties (effective December 1, 1987); 2) Albany, Rensselaer, Schenectady, Nassau, Suffolk, Broome, Westchester and Chautauqua Counties (effective February 1, 1988); 3) Rockland, Clinton, Oneida, Jefferson, Tompkins, Ulster, Montgomery, Dutchess and Saratoga Counties (effective April 1, 1988); and 4) all remaining counties in the state (effective June 1, 1988).

Applications for coverage must be made in writing in advance, except for coverage of arraignments and the decision granting or denying the request by the trial judge must be made by written order. Coverage of jurors, voir dire proceedings and sex-crime victims is expressly prohibited. Coverage of undercover peace or police officers is not permitted without prior written consent of the officers and no coverage of any participant is permitted if the presiding trial judge finds that such coverage is liable to endanger the safety of any person. Furthermore, the judge has discretion throughout proceedings to revoke approval or limit coverage in response to

the needs and concern of all parties, victims, witnesses and other participants.

Upon the conclusion of a trial allowing coverage, the presiding trial judge and counsel for all parties must file a report with the Chief Administrative Judge assessing any effects of extended media coverage on the proceeding. For experimental evaluation purposes, news media participating in coverage of judicial proceedings are asked, but not required, to transmit copies of any audio-visual material aired within twenty days after such airing or at the conclusion of the covered trial to the Office of Court Administration. On or before March 31, 1989 and after one or more public hearings, the Chief Administrator of the courts must report and submit recommendations to the legislature, the Governor and the Chief Judge on any effects of extended media coverage of judicial proceedings. Consistent with this requirement, the Chief Administrative Judge conducted public hearings in February 1989 to gather information for his report. Authority: Canon 3A(7), New York Code of Judicial Conduct, as modified by N.Y. JUDICIARY LAW, § 218 (McKinney 1988); 22 NYCRR Part 131 (Dec. 31, 1987) and 22 NYCRR § 29.3 (Dec. 31, 1987) (trial court rules); 22 NYCRR §§ 29.1-29.2 (Dec. 31, 1987) (appellate court rules).

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(34) North Carolina - Canon 3A(7) of the North Carolina Code of Judicial Conduct parallels the former ABA provision. Rule 15 of the General Rules of Practice for the Superior and District Courts of North Carolina bans coverage except on ceremonial occasions. By Order dated September 21, 1982, the Supreme Court of North Carolina authorized two-year experimental electronic coverage of public judicial proceedings in North Carolina's appellate and trial courts, effective October 18, 1982. The rules under which the experiment is conducted require that equipment and personnel used in coverage be neither seen nor heard by anyone inside the courtroom. Initially, the area in which personnel and equipment were located had to be set apart by a booth or partition with appropriate openings to allow photographic coverage. However, the presiding judge may now permit coverage without booths if coverage does not disrupt the proceedings or distract the jurors. (Order of June 24, 1987.) A separate booth is no longer required for appellate court coverage. (Order of Nov. 10, 1982.)

The experimental rules do not require the consents of participants, but coverage of jurors is not permitted. In addition, coverage of certain types of proceedings, such as adoption, divorce, juvenile proceedings, and trade secrets cases, is prohibited. Coverage of certain types of witnesses, such as police informants, undercover agents, victims of sex crimes, and minor witnesses is not permitted.

The experimental coverage period has been extended several times since 1982. In the last extension Order granted July 1, 1988, the court revised the guidelines to allow hand-held audio tape recorders or camera-mounted video-audio recorders to be used upon prior notification to and approval of the presiding judge. This extension will be in effect until June 30, 1990.

Authority: Canon 3A(7), North Carolina Code of Judicial Conduct, N.C. Gen. Stat., vol. 4A (Appendix VII - A); Rule 15, General Rules of Practice for the Superior and District Courts of North Carolina, N.C. Gen. Stat., vol. 4A (Appendix I(5)) (as modified by the above-referenced orders).

(35) North Dakota - On December 1, 1978, the North Dakota Supreme Court amended Canon 3A(7) of the North Dakota Code of Judicial Conduct, which previously paralleled the former ABA provision, to permit coverage of its proceedings subject to guidelines. In that order, the Supreme Court announced that experimental coverage of its proceedings would be permitted for a one-year period beginning February 1, 1979. The Court retained the right to prohibit coverage of certain proceedings, but coverage was not conditioned on consents of the parties or their counsel. On May 16, 1980, following grant of a six month extension and a hearing on the merits of the experiment, the North Dakota Supreme Court amended Canon 3A(7) of the North Dakota Code of Judicial Conduct to permit coverage of its proceedings on a permanent basis effective July 1, 1980. This coverage is subject to the same rules used during the experiment. Following subsequent hearings, the North Dakota Supreme Court amended and repromulgated Administrative Order 1A-1980 as Administrative Rule 21, effective July 1, 1984. Rule 21 amended the previous order by adding a provision which allows the broadcasting, televising, recording or taking of photographs of investitive or other ceremonial proceedings in the district, county and municipal courts. Rule 53 of the North Dakota Rules of Criminal Procedure prohibits coverage of criminal trial proceedings.

On February 1, 1988, the Committee on Cameras in the Courtroom, which was created by the 1984 order, submitted proposed amendments to Administrative Rule 21. The proposal sought to add a new subsection "E" to the rules to allow extended media coverage of civil and criminal public trials. Following a hearing on April 21, 1988, the North Dakota Supreme Court amended Rule 21 on May 25, 1988 and modified the relevant provisions of the Rules of Criminal Procedure, the Rules of Judicial Conduct and the Rules of Court. The amendment permits extended media coverage in civil and criminal public trials, hearings or other proceedings in trial or appellate courts for a two-year experimental period beginning September 1, 1988 and ending August 31, 1990.

Under these guidelines, the judge may prohibit coverage of a witness upon objection and showing of good cause. Coverage of a juvenile victim/witness in proceedings in which illegal sexual activity is an element of the evidence is prohibited. In sex offense prosecutions, or for charges in which such offenses are an included offense, coverage of an adult victim/witness is not permitted without consent of the witness. Coverage of any juvenile court, divorce, involuntary commitment, conservatorship, guardianship, adoption, child custody or trade secret cases is prohibited unless consent on the record from all parties is obtained. Objections to coverage by a victim/witness in a forcible felony prosecution,

and by police informants, undercover agents and relocated witnesses enjoy a rebuttable presumption of validity.

Expanded media coverage of jury selection is prohibited but coverage of the return of the verdict may be permitted. Unnecessary or prolonged photographic or video coverage of individual jurors is prohibited. Audio pickup or broadcast of conferences between clients and attorneys, co-counsel or with the judge also are prohibited. Requests for coverage must be made in writing at least fourteen days in advance of the proceedings and permission must be given by the judge. The media also must give at least fourteen days advance notice of the request to the parties' counsel and any pro se parties. Any party objecting to expanded media coverage must file a written objection and give notice of the objection to the requesting media. Authority: Administrative Rule 21; Rule 3A (formerly Canon 3A), North Dakota Rules of Judicial Conduct; Rule 53, North Dakota Rules of Criminal Procedure; Rule 10.1, North Dakota Rules of Court (North Dakota Court Rules 1986 Desk Copy) (West) (as modified by the above-referenced orders).

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(36) Ohio - Extended media coverage of Ohio courts was precluded previously by former Canon 3A(7) of the Ohio Code of Judicial Conduct, former Superintendence Rule 11 of the Ohio Supreme Court, and Rule 9 of the Rules of Superintendence for Municipal Courts.

In July 1978, the Ohio Supreme Court proposed an amendment to eliminate the coverage ban. Following a comment period, the Supreme Court adopted experimental coverage provisions effective June 1, 1979. Under these provisions, coverage of trial and appellate courts in Ohio was permitted subject to the court's power to preclude coverage when it would be distracting, impair the dignity of the proceedings, or interfere with a fair trial. Consents of participants were not required, although the court could ban coverage of objecting witnesses or victims provided there was reasonable cause.

In October 1981, the Ohio Supreme Court solicited comments on the adoption of permanent coverage rules. On December 4, 1981, the Ohio Supreme Court amended Canon 3A(7) and adopted permanent superintendence rules for trial and appellate coverage effective January 1, 1982. The permanent rules are similar to the experimental rules except that coverage of jurors and objecting witnesses and victims is flatly prohibited. The judge is also required to inform victims and witnesses of their right to object to coverage. The consent of the judge is required for coverage to take place.

In March 1984, the Supreme Court adopted separate coverage rules for proceedings in that court. (Rule XV, Supreme Court Rules of Practice.) These rules are identical to the January 1, 1982 provisions, except for deletion of the requirement to inform victims and witnesses of their right to object. In addition, written permission for coverage must be made on court forms filed with the Supreme Court no later than 24 hours prior to the court session to which the request pertains..

Authority: Canon 3A(7), Ohio Code of Judicial Conduct; Rule 11, Rules of Superintendence for Courts of Common Pleas; Rule 9, Rules of Superintendence for Municipal and County Courts; Rule XV, Rules of Practice of the Supreme Court. All rules cited in this paragraph are contained in Ohio Rev. Code Ann. (Rules Governing the Courts of Ohio).

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(37) Oklahoma - By order dated October 25, 1978, the Oklahoma Supreme Court withdrew Canon 3A(7) of the Oklahoma Code of Judicial Conduct, which paralleled the former ABA provision, and substituted a revised Canon 3A(7) to be effective for one year beginning January 1, 1979. Under the experimental provision, trial and appellate coverage was permitted subject to consent of the court. Coverage of objecting witnesses, jurors, or parties was not permitted and, in a criminal trial, the defendant had to consent to coverage. By order dated December 27, 1979, the Oklahoma Supreme Court extended the experiment for another year commencing January 1, 1980. By order dated December 22, 1980, the Oklahoma Supreme Court extended the experiment for another year, commencing January 1, 1981, and deferred until July 1, 1981 an opinion regarding use of bar dues for scientific study of the experiment. No further opinion was issued on the use of bar dues, but, on February 22, 1982, the Oklahoma Supreme Court made permanent the experimental coverage rules. Authority: Title 5, Oklahoma Statutes, Chapter 1, Appendix 4, Canon 3A(7).

(38) Oregon - Canon 3A(7) of the Oregon Code of Judicial Conduct parallels the former ABA provision, which prohibited extended media coverage. On March 2, 1982, the Oregon Association of Broadcasters filed a petition with the Oregon Supreme Court requesting that electronic coverage of trial and appellate judicial proceedings be permitted and recommending amendment of Canon 3A(7) to make it similar to Florida's rules (e.g., consents of the parties to coverage would not be required). In a lengthier pleading filed May 27, 1982, the Oregon Association of Broadcasters presented legal arguments as to why the rule should be changed. On April 15, 1987, the Oregon Supreme Court permanently adopted Canon 3A(8) to allow extended media coverage of appellate courts. This followed a four-year experimental period. Consent of the parties is not required under Canon 3A(8).

At its October, 1985 conference, the Oregon Circuit Judges Association voted to recommend to the Oregon Supreme Court that cameras and tape recorders not be allowed in circuit courts. The Oregon district court judges, at a meeting around the same time, decided that they would recommend amending the canon to permit expanded media coverage in district courts. The Supreme Court has taken no action with respect to either recommendation. Currently, electronic media coverage of trial court proceedings is not permitted. Authority: Canon 3A(7), 3A(8), Oregon Code of Judicial Conduct, Oregon State Bar Desk Book (Oregon State Bar) (as modified by the above-referenced orders).

(39) Pennsylvania - By order dated September 20, 1979, the Pennsylvania Supreme Court amended Canon 3A(7) of the Pennsylvania Code of Judicial Conduct to permit experimental coverage of non-jury civil trial proceedings for a one-year period beginning October 1, 1979. In Re WTAE-TV, No. 51 (W.D. Misc. Docket 1978). Previously, the Pennsylvania Canon paralleled the former ABA provision. Coverage is also forbidden by Rules 27 and 328 of the Pennsylvania Rules of Criminal Procedure and Rule 7 of the Rules Governing Standards of Conduct of Justices of the Peace. Under the experiment, non-jury civil trial proceedings do not include support, child custody, or divorce proceedings. Permission of the court must be received prior to coverage, and coverage of objecting witnesses or parties is not permitted. In May, 1980, a supplementary petition was filed in the WTAE-TV proceeding, requesting the Pennsylvania Supreme Court to expand the experiment to allow coverage of criminal trial proceedings and civil jury proceedings and alternatively suggesting that the existing experiment be extended six months. The Pennsylvania Supreme Court deferred action on the supplementary petition until its September 1980 session. On October 1, 1980, the Pennsylvania Supreme Court continued the experiment under the initial restrictions and specified that the September 20, 1979 order remained in effect until further order of the Court. Subsequently, Justice John P. Flaherty, Jr., a Supreme Court Justice, was designated

to prepare a report regarding the experiment. Issuance of this report is still pending. A bill introduced in the legislature on February 3, 1981, S.B. 271, would have permitted coverage by amending the Pennsylvania Constitution, but the bill did not receive any committee consideration. On June 19, 1985, WTAE-TV, the Pennsylvania Association of Broadcasters and the First Amendment Coalition filed a petition in the Supreme Court of Pennsylvania requesting a one-year experiment with extended media coverage in all of Pennsylvania's courts, subject to guidelines established by the Supreme Court. (In Re WTAE-TV, No. 51, Misc. Docket 1978) The Pennsylvania Bar Association had adopted a resolution recommending such an experiment on May 9, 1985. The petitioners are requesting experimental coverage of civil jury and criminal trials and all appeals, subject to the discretion of the court. No consents would be required, but coverage of witnesses, parties, or jurors expressing prior objection would be prohibited. Authority: The provisions cited in this paragraph are contained in Pennsylvania Rules of Court, Desk Copy (West 1980).

(40) Rhode Island - Provisional Order No. 15 of the Rhode Island Supreme Court, and accompanying guidelines, permits extended media coverage of judicial proceedings. A special committee was appointed by the Rhode Island Supreme Court to study the coverage question, and it recommended a one-year experiment. On April 22, 1981, the Rhode Island Supreme Court ordered a one-year experiment, beginning September 1, 1981, in all courts. The order was amended on August 14, 1981, changing the period of the experiment to run from October 1, 1981 through September 30, 1982. By order dated December 31, 1982, the experimental period was extended for an additional year, from January 17, 1983 through January 16, 1984. At the same time, additional guidelines for the experiment were authorized, and the court emphasized the media's burden to educate the public. On February 6, 1984, the committee voted to recommend that coverage be permitted permanently. In an order issued on March 23, 1984, the Rhode Island Supreme Court extended the experiment, allowing coverage from April 1, 1984 through September 30, 1985, and re-emphasized the media's burden to educate the public.

On March 31, 1988, the Rhode Island Supreme Court adopted a rule allowing extended media coverage of all courts for an indefinite period and amended, in part, the existing guidelines. The March 1988 order also strongly reiterates the importance of the media's obligation to contribute to public understanding and education.

The amended guidelines give trial judges "sole discretion" to "entirely exclude media coverage of any proceeding or

trial over which he or she presides." (In the prior experimental rule, trial court discretion was broad, but could be exercised only for cause.) Exclusion by the trial court may be based on a party's request for noncoverage. In addition, the amended guidelines repeal the prior guideline that had provided for appellate review of a judicial decision limiting coverage.

Under the original and amended guidelines, juror consent to coverage is required. Coverage of hearings which take place outside of the jury's presence (e.g., regarding motion to suppress evidence) is not permitted, and jurors may only be photographed after the jury has been empanelled. Where photographing of the jury is unavoidable, close-ups that clearly identify individual jurors are not permitted.

The Advisory Board to the Chief Justice, comprised of judges from various Rhode Island courts, will continue to evaluate the effects of media access to judicial proceedings.

(The media exclusion permitted by the guidelines does not include "persons engaged in taking written notes for the print press." It is not clear from the guidelines whether presiding judges are intended to have unfettered power to exclude note-taking reporters for the electronic media.) Authority: Rhode Island Supreme Court Provisional Order No. 15, April 22, 1981 (as amended August 14, 1981); Rhode Island Supreme Court Order No. 82-581 M.P. (December 31, 1982); Rhode Island Supreme Court Order No. 84-148 M.P. (March 24, 1984); Rhode Island Supreme Court Order No. 88-140 M.P. (March 31, 1988).

(41) South Carolina - Canon 3A(7) of the South Carolina Code of Judicial Conduct is similar to the former ABA provision, which prohibited extended media coverage. Coverage has been permitted by at least one trial judge, Wade S. Weatherford, Jr. of the Seventh Circuit, in a non-jury matter. Judge Weatherford was later informed of the requirements of Canon 3A(7), and coverage ceased as a result.

On August 25, 1987, the South Carolina Broadcasters Association, with the endorsement of the South Carolina Press Association, staged a mock trial presentation before the South Carolina Supreme Court to demonstrate that coverage of courtroom proceedings by the media is not distracting. Thereafter the Supreme Court appointed a Judicial Council to make a recommendation about allowing media coverage for an experimental period. However, none of the council's recommendations were ever adopted. Following several months of consideration, the South Carolina Supreme Court issued a press release dated June 9, 1988, stating that they had voted to adhere to the present rule prohibiting media coverage of courtroom proceedings. Authority: Canon 3A(7), South Carolina Code of Judicial Conduct, Rule 33, Rules of the South Carolina Supreme Court, S.C. Code Ann. vol. 22 (Court Rules).

(42) South Dakota - Canon 3A(7) of the South Dakota Code of Judicial Conduct is similar to the former ABA provision. The South Dakota Broadcasters Association has made coverage presentations to the South Dakota Supreme Court and its Advisory Committee. On December 12, 1980, the Advisory Committee recommended one year of experimentation for the South Dakota Supreme Court and a one-year trial experiment subject to consents of all parties. The South Dakota Supreme Court is currently considering this recommendation. S.158, a bill to repeal the coverage restrictions, was introduced in the Legislative Assembly in 1981, but failed. In March 1983, the Chief Justice of the Supreme Court of South Dakota appointed a committee of nine persons, drawn from the bench, bar and media, to examine the possibility of initiating a one-year experiment in both the appellate and trial courts. The committee presented proposed rules to the South Dakota Bar Association on June 21, 1985. By a vote of 98-72, the Bar Association voted not to recommend adoption of the rules by the South Dakota Supreme Court. Authority: Canon 3A(7), South Dakota Code of Judicial Conduct, S.D. Codified Laws, § 16-2 (Appendix).

(43) Tennessee - By order dated May 24, 1978, the Tennessee Supreme Court amended Canon 3A(7), contained in Rule 43 of its rules, to adopt an interim provision allowing coverage of its proceedings subject to the objection of participating counsel. In re Rule 43, Canon 3A(7) -- Code of Judicial Conduct. On February 22, 1979, the Tennessee Supreme Court ordered the amendment of Canon 3A(7) to permit coverage of trial and appellate proceedings in Tennessee. Under the amendment, appellate courts may adopt rules permitting coverage subject to certain guidelines, including the injunction that coverage shall not detract from court proceedings. Trial courts are also authorized to permit coverage in accordance with plans which must be approved by the Tennessee Supreme Court. In criminal trial proceedings, the defendant must consent to coverage. In all trial proceedings, objections by a witness or juror will suspend coverage as to that person while objections by an attorney or party will suspend all coverage. By its terms, the Tennessee Supreme Court's order had no applicability to criminal proceedings until such time as the Tennessee legislature approved amendments to the Tennessee Rules of Criminal Procedures. In re Rule 43, Canon 3A(7) -- Code of Judicial Conduct. Effective August 15, 1979, Rule 53 of those rules, which prohibited coverage of criminal proceedings, was withdrawn. Authority: Canon 3A(7), Tennessee Code of Judicial Conduct, adopted by Rule 10 (formerly Rule 43), Rules of the Tennessee Supreme Court, Tenn. Code Ann., Vol. 5A (Court Rules).

(44) Texas - By order dated November 9, 1976, the Texas Supreme Court amended Canon 3A(7) of the Texas Code of Judicial Conduct to permit recording of appellate proceedings by electronic means. In practice, this rule has been limited to the mechanical recording of voices. The prior consent of the court (or the Chief Justice or Presiding Judge) must be obtained, and the coverage must not distract participants or impair the dignity of proceedings. In or around April, 1981, the Texas State Bar Committee on Cameras in the Courtroom completed proposed new rules for trial court coverage which were submitted to the bar and the Texas Supreme Court. These proposals would have permitted coverage with court consent, would have essentially paralleled the rules used in the California experiment, and were considered at a Judicial Conference held from September 29 - October 2, 1981. At the conference, a straw poll of judges reflected opposition to coverage in general and to the proposal in particular, and the Texas Supreme Court, which was not bound by the results of the poll, ultimately rejected the proposal unanimously. Authority: Canon 3A(7), Texas Code of Judicial Conduct, Tex. Rev. Civ. Stat. Vol. 1A, Title 14 (Appendix B)(Vernon).

(45) Utah - The original Canon 3A(7) of the Utah Code of Judicial Conduct was similar to the former ABA provision, which prohibited extended media coverage of courtroom proceedings. On April 27, 1981, the Utah Supreme Court amended Canon 3A(7) and added Canon 3A(8) to permit still photography in the State's courtrooms. Consents of parties and witnesses are required prior to the taking of photographs of those individuals. In its opinion, the Utah Supreme Court reaffirmed the prohibitions on broadcasting, televising, or recording of court proceedings.

Another petition was filed October 26, 1984 requesting modification of Canon 3A(7) to allow radio and television coverage, which the court thereafter approved. A one-year experimental program commenced on October 8, 1986 allowing full extended media coverage of Supreme Court proceedings. Under the experiment, at least 48 hours prior written notice of coverage should be given to the Court. If media access is denied, the Court will issue written findings. The Chief Justice, after consultation with the members of the Court, may impose conditions and limitations to preserve the orderly administration of justice. The Utah chapter of the Society of Professional Journalists requested a one-year extension of the experiment or, in the alternative, to make the guidelines permanent and by Order of October 14, 1987, the Utah Supreme Court extended the experiment for one year, until October 8, 1988. Although the experimental period has not

been continued officially, extended media coverage has been permitted on a case-by-case basis. Authority: Canons 3A(7), 3A(8) Utah Code of Judicial Conduct, Utah State Bar Desk Book (Utah State Bar).

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(46) Vermont - Until recently, Canon 3A(7) of the Vermont Code of Judicial Conduct paralleled the former ABA provision, which prohibited extended media coverage. By Order of June 30, 1988, the Vermont Supreme Court added Rule 35 to the Rules of Appellate Procedure allowing extended media coverage of Supreme Court proceedings on a permanent basis. An almost identical rule was in effect on an experimental basis from May 1984 to December 1986. The permanent rule was adopted following a favorable evaluation of the experiment by the Cameras in the Court Study Committee. A contemporaneous amendment to Canon 3A(7) of the Code of Judicial Conduct eliminates the ethical prohibition on allowing cameras and related equipment in the Supreme Court.

Under the permanent rule, the consent of the Court is not required for media coverage, but the Chief Justice has discretion to prohibit coverage. Motions to exclude the media from a proceeding must be directed to the Chief Justice. In addition, the media must inform the Court of its intent to cover a proceeding. By subsequent Order, Rule 35 became effective August 18, 1988.

By Order of September 23, 1988, the Vermont Supreme Court amended its civil and criminal Rules of Procedure to authorize media coverage of all trial court proceedings for a two-year experimental period beginning January 2, 1989. This action is

based on four years of study by the Court's Advisory Committees on Civil, Criminal and Probate Rules which reviewed the Supreme Court's experimental coverage program and took public comment on proposed trial court coverage rules. The new rules provide for a six-person Committee to evaluate the effect of media coverage in the trial courts and to report the results and their recommendations for any changes to the Supreme Court by November 1, 1991.

Under the revised Rules of Procedure, coverage is permitted in the courtroom and in immediately adjacent areas which are generally open to the public. Consent of parties and witnesses is not required, but the trial judge has discretion to prohibit, terminate, limit or postpone coverage on the judge's own motion or on a motion of a party or request of a witness. The person seeking to limit coverage has the burden of proof that the limitation should be provided. The trial judge's decisions on coverage are not subject to interlocutory appeal.

The revised rules do not permit coverage of jurors, except in the background when courtroom coverage would be otherwise impossible. While the experimental rules do not ban coverage of specific types of cases, the reporter's note accompanying the rule suggests that coverage of sex offense, domestic relations, trade secret cases or offenses in which the victim is a minor may be inappropriate. This issue is left to the discretion of the trial judge to evaluate on a case-by-case

basis. Coverage of all proceedings which are closed to the public by statute is prohibited. Authority: Canon 3A(7), Vermont Code of Judicial Conduct, Vt. Stat. Ann. Title 12, Appendix VIII; Rule 35, Vermont Rules of Appellate Procedure; Rule 53, Vermont Rules of Criminal Procedure; Rule 79.2, Vermont Rules of Civil Procedure; Rule 79.2, District Court Civil Rules; and 79.2, Rules of Probate Procedure.

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(47) Virginia - Although Canon 3A(7) of the Virginia Canons of Judicial Conduct is similar, but not identical, to the former ABA provision, see 215 Va. 859, 931 (1975); 216 Va. 941, 1134 (1976), an experimental two-year program permitting limited coverage is now in effect. Coverage of criminal proceedings is also forbidden under Section 19.2-266 of the Virginia Code, but this prohibition will not apply for the two-year experimental period. As previously enacted, Supreme Court Rule 1:14, Va. Rules Annotated (Vol. 11 - Rules of Court), precludes coverage of all judicial proceedings, but has been temporarily modified to provide for the current experimental program.

Following several unsuccessful attempts in prior years to pass legislation permitting coverage, the General Assembly of Virginia amended §19.2-266 of the Code of Virginia in February 1987 to authorize a two-year experimental period allowing media coverage of trial and appellate proceedings. On March 28, 1987, Governor Baliles signed the bill into law, which became effective July 1, 1987. The experimental program is being conducted in the Supreme Court, the Court of Appeals, Bedford County and the city of Virginia Beach circuit courts, and Caroline County and Charlottesville general district courts.

The experimental program prohibits coverage of jurors as well as the following witnesses: police informants, minors, undercover agents and victims and families of victims of sexual

offenses. The experiment also prohibits media coverage of adoption, juvenile, child custody, divorce, spousal support, sexual offense, hearing of motions to suppress evidence, trade secret and in camera proceedings. Either party in a proceeding may object to coverage. The Supreme Court shall report its findings of the experimental program to the General Assembly and the Governor by December 31, 1989. Authority: Canon 3A(7), Virginia Canons of Judicial Conduct, Virginia Supreme Court Rules (Part VI, Section III), Va. Rules Annotated (Vol. 11 - Rules of Court); Act of March 28, 1987, ch. 580, 1987 Va. Acts 580. See also citations provided in text.

(48) Washington - Acting upon a recommendation of the Bench-Bar-Press Committee of Washington, the Supreme Court of Washington, on November 28, 1973, authorized experimental courtroom coverage. This coverage first occurred in a criminal trial proceeding on December 2, 1974. State v. Fetter, Case No. 69484 (King County). Following its review of the results of that experiment, the Washington Supreme Court, by order dated July 23, 1976, amended Canon 3A(7) of the Washington Code of Judicial Conduct effective September 20, 1976. In the Matter of the Adoption of Amendments to Code of Judicial Conduct, Canon 3(A)(7). Under that amendment, coverage of trial and appellate proceedings in Washington is permitted if the court grants permission and if coverage will not distract participants or impair the dignity of the proceedings. No coverage of witnesses, jurors, or parties who express prior objections is permitted. Authority: Canon 3(A)(7), Washington Code of Judicial Conduct, Washington Court Rules Annotated, Vol. 1, Part 1 (Bancroft-Whitney).

(49) West Virginia - Prior to 1978, Canon 3A(7) of the West Virginia Judicial Code of Ethics paralleled the former ABA provision. By letter dated November 14, 1978, the Chief Justice of the West Virginia Supreme Court of Appeals authorized the Seventeenth Judicial Circuit (Monongalia County) to permit coverage of its trial proceedings subject to certain guidelines. Under those guidelines, the trial court was empowered both to decide whether coverage should be permitted in particular cases and to terminate existing coverage when it would impede justice. Although parties, witnesses, or attorneys could object to coverage, the court was given the authority to rule on such objections. To obtain further experience under the experiment, the Chief Judge of the Seventeenth Judicial Circuit extended the experiment, which eventually began in January 1979, through the end of 1979. (The Chief Judge had originally recommended only a six-month experimental period.) The Chief Judge later informed the Supreme Court of Appeals that, unless it objected, he would continue the experiment into 1980. On May 7, 1981, the West Virginia Supreme Court of Appeals approved permanent trial and appellate court coverage under rules similar to those employed during the experiment. Authority: Canon 3A(7), West Virginia Judicial Code of Ethics, West Virginia Code, Vol. 1A (Court Rules).

(50) Wisconsin - On December 23, 1977, the Wisconsin Supreme Court suspended Rule 14 of the Wisconsin Code of Judicial Ethics to permit coverage of trial and appellate proceedings for a one-year experimental period beginning April 1, 1978. The court also specified that it would permit coverage of its proceedings on January 3, 1978 and of its February 20, 1978 hearing to determine guidelines for the experiment. By order dated March 16, 1978, the Wisconsin Supreme Court promulgated these experimental guidelines. Under those guidelines, the courts were authorized to determine whether coverage should be permitted in particular cases or portions of particular cases. Upon a showing of cause, the courts could prohibit coverage on their own motions or on those of participants. The experiment was eventually extended through June 30, 1979, by order of the Wisconsin Supreme Court. Following a review of the "Report of the Supreme Court Committee to Monitor and Evaluate the Use of Audio and Visual Equipment in the Courtroom," filed March 30, 1979, the Wisconsin Supreme Court, on June 21, 1979, rescinded Rule 14 of the Wisconsin Code of Judicial Ethics and permanently authorized trial and appellate coverage effective July 1, 1979. Under the permanent rule, courts retain authority to determine whether coverage should occur and, upon a finding of cause, to prohibit coverage. The trial judge retains the power, authority and responsibility to control the

conduct of proceedings, including the authority over the inclusion or exclusion of the media and the public at particular proceedings or during the testimony of particular witnesses under the experimental and permanent guidelines. A presumption of validity attends objections to coverage of participants in cases involving the victims of crimes (including sex crimes), police informants, undercover agents, juveniles, relocated witnesses, divorce, trade secrets, and motions to suppress evidence. An individual juror may be photographed only after his or her consent has been obtained. Photographs of the jury are permitted in courtrooms where the jury is part of the unavoidable background, but close-ups which enable jurors to be identified clearly are prohibited. The Wisconsin Code of Judicial Ethics (Wisconsin Supreme Court Rules, Chapter 60) no longer refers to the coverage issue. Instead, Chapter 61 of the Wisconsin Supreme Courts Rules contains the rules governing coverage. Authority: Chapter 61, Wisconsin Supreme Court Rules.

(51) Wyoming - By order dated September 4, 1973, the Supreme Court of Wyoming adopted the ABA Code of Judicial Conduct, including the 1972 version of Canon 3A(7), in its entirety with one minor exception not relevant here. Rule 50 of the Wyoming Rules of Criminal Procedure prohibits electronic coverage of criminal proceedings. Rule 803 of the Uniform Rules for the District Courts of Wyoming allows audio recording of the decision of the court, however no recording may be disclosed without the consent of all parties and the court nor used to impeach any official court record. By order dated August 14, 1981, the Wyoming Supreme Court suspended Canon 3A(7) until August 14, 1982 to permit experimental coverage of its proceedings. This experiment did not apply to other Wyoming courts. Under the experiment, extended media coverage of the proceedings of the Wyoming Supreme Court was permissible as long as the coverage did not "disrupt proceedings in any way." On August 3, 1982, the Supreme Court of Wyoming issued an order extending indefinitely permission for extended media coverage of proceedings in the Supreme Court. In late June 1983, the Wyoming Judicial Conference voted 9 to 7 against expanding permission for extended media coverage of the state's trial courts. Authority: Canon 3A(7), Wyoming Code of Judicial Conduct, Wyoming Court Rules Annotated (Michie).

Part II

CATEGORIZATION OF STATE RULES ON EXTENDED MEDIA COVERAGE OF COURTS

In Part II, States which permit courtroom coverage by the electronic media are classified according to a number of relevant categories. It is to be noted that, in this Part, we have not included several States (such as Indiana and South Carolina) in which sporadic coverage has occurred but not as the direct result of rules or decisions of these States' highest courts. More detailed information on the rules of each jurisdiction and citations to those rules are furnished in Part I.

Forty-five States permit some form of extended media coverage of their courts. */ Thirty-nine States have permanent rules permitting extended media coverage; twelve States have experimental coverage rules. (Alaska, Minnesota, New York, North Dakota, Utah, and Vermont, have both experimental and permanent rules). Thirty-five States permit extended media coverage in trial and appellate courts (civil and criminal cases); one state (Pennsylvania) allows extended media coverage only in trial courts (civil cases only); and

*/ The term "extended media coverage" encompasses coverage by television, radio, and/or still photography equipment. Of the forty-five states so categorized, forty-four of them permit television coverage of their appellate and/or trial proceedings. Texas permits audio coverage only.

nine States permit extended media coverage only in appellate courts (civil and criminal cases). Thirty-four States allow extended media coverage of criminal trial proceedings, and one State (Maryland) permits extended media coverage in appellate courts (civil and criminal), but allows trial court coverage only in civil cases. Of the thirty-four States permitting criminal trial coverage, twenty-seven states do not require consent of the defendant for coverage of the trial. A detailed set of categorizations of these various rules is included below.

There are currently six jurisdictions where no form of extended media coverage of court proceedings is permitted. */

*/ The six jurisdictions are District of Columbia, Indiana, Mississippi, Missouri, South Carolina, South Dakota.

A. Categorization According to Types of Courts
that Permit Coverage

<u>Coverage Permitted</u>	<u>States</u>	<u>Total</u>
1. Trial and Appellate Courts	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Iowa, Kansas, Kentucky, Maryland, <u>1/</u> , Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, Tennessee, Utah, <u>2/</u> , Vermont, Virginia, Washington, West Virginia, Wisconsin	35
2. Trial Courts Only	Pennsylvania	1

1/ As approved by the Court of Appeals, Maryland's experiment originally encompassed coverage of civil and criminal cases in trial and appellate courts. Subsequently, however, an act barring coverage of criminal trials was passed by the legislature and approved by the Governor. The rule permitting appellate coverage was made permanent in 1982, and the experiment allowing civil trial coverage was continued until 1984 when the court adopted permanent rules permitting coverage.

2/ Utah's permanent rule permits only still photography of its courtroom proceedings. Its experiment allowing the broadcasting, televising, or recording of appellate court proceedings expired on October 8, 1988. However, coverage is still allowed on a case-by-case basis.

<u>Coverage Permitted</u>	<u>States</u>	<u>Total</u>
3. Appellate Courts Only	Delaware, Idaho, Illinois, Louisiana, Maine, Nebraska, Oregon, Texas, <u>5</u> / Wyoming	9
Total number of states allowing media coverage		<u>45</u>

3/ [Omitted]

4/ [Omitted]

5/ Texas permits audio tapes of appellate proceedings only.

B. Categorization According To Whether Rule Permitting Coverage Is Permanent Or Experimental

<u>Coverage Permitted</u>	<u>States</u>	<u>Total</u>
1. Permanent	Alabama, Alaska, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota (appellate), Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York (appellate), North Dakota (appellate), Ohio, Oklahoma, Orgeon, Rhode Island, Tennessee, Texas, 8/ Utah, 9/ Vermont (appellate), Washington, West Virginia, Wisconsin, Wyoming	39
2. Experimental	Alaska, Arkansas, Delaware, Maine, Minnesota (trial), New York (trial), North Carolina, North Dakota (trial), Pennsylvania, Utah (appellate), Vermont (trial), Virginia	12

Note: Since Alaska, Minnesota, New York, North Dakota, Utah and Vermont, fall into both categories, the total number of States with permanent or experimental rules is really 45 rather than 51, the sum of the two categories. Thirty-three States (Alaska, Arizona, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois (appellate), Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota (appellate), Montana, Nebraska, Nevada, New Jersey, New Mexico, New York (appellate), North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, Tennessee, Vermont (appellate), Washington, West Virginia, Wisconsin, and Wyoming (appellate)) have implemented permanent rules during or after a period of formal experimentation.

6/ [Omitted]

7/ [Omitted]

8/ See supra note 5.

9/ See supra note 2.

C. Categorization According to Types of Proceeding for Which Coverage is Permissible

<u>Overall Rule</u>	<u>Type of Proceeding Coverable</u>	<u>States</u>	<u>Total</u>
1. Trial Coverage Only	Civil and Criminal	None	0
	Criminal Only	None	0
	Civil Only	Pennsylvania <u>10/</u>	1
2. Appellate Coverage Only	Civil and Criminal	Delaware, Idaho, Illinois, Louisiana, Maine, Nebraska, North Dakota, <u>11/</u> Oregon, Texas, <u>12/</u> Wyoming	10
	Criminal Only	None	0
	Civil Only	None	0
3. Trial and Appellate Coverage	Civil and Criminal	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Iowa, Kansas, Kentucky, Maryland (appellate only), <u>13/</u> Massachusetts, Michigan, Minnesota, Montana, Nevada,	35

10/ Pennsylvania limits civil trial coverage to non-jury proceedings.

11/ However, the judge may allow coverage of investitive or other ceremonial proceedings in North Dakota district, county and municipal courts.

12/ See supra note 5.

13/ See supra note 1.

<u>Overall Rule</u>	<u>Type of Proceeding Coverable</u>	<u>States</u>	<u>Total</u>
		New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, Tennessee, Utah, <u>13A/</u> , Vermont, Virginia, Washington, West Virginia, Wisconsin	
	Criminal Only	None	0
	Civil Only	Maryland (trials only) <u>14/</u>	1

Note: Maryland appears twice in the classification in Section 3
(See note 1, supra).

13A/ See supra note 2.

14/ See supra note 1.

D. Consent As A Precondition Or Limitation On Coverage 15/

<u>Entity</u>	<u>States with Prior Consent as Absolute Precondition</u>	<u>States with Prior Notice as Absolute Precondition 16/</u>	<u>States with No Prior Consent or Notice Required</u>
1. <u>Court's Consent 17/</u> (all cases)	Alabama, Alaska, Arizona, California (written approval),	Delaware, Illinois, 18/ Kansas Louisiana,	Arkansas, Florida, Hawaii (appellate),

15/ In this categorization, the term "absolute precondition" means that the particular entity's consent or acquiescence must be obtained for any coverage to occur. "Limited condition," unless otherwise stated, means that, if consent is not obtained or objection is made, that particular entity (e.g., jurors) may not be covered but the remainder of the proceeding may be. In States where consent is not required or a limited condition is not imposed, coverage of the proceeding or the entity is not contingent upon consent.

16/ States with prior notice as an absolute precondition for coverage require that the court receive notice of an intent to cover a proceeding prior to its commencement. Explicit consent is not required.

17/ A total of 45 States (all States allowing trial and/or appellate coverage) are classified under the three consent categories for this entity description. Hawaii, Minnesota, North Dakota and Utah appear twice here, since their court consent requirements for appellate proceedings are different from those for trials. Although judges have ultimate control over their courtrooms and will make the final determination as to whether to allow coverage of a proceeding, some States, as shown in this description, have rules which either require the court's permission to be granted explicitly prior to allowing coverage to occur or require prior notice of intent to cover.

18/ Illinois' rules also refer to the notice as a request. The judge or presiding authority, upon receiving written notice, may decide to prohibit coverage prior to the commencement of a proceeding.

<u>Entity</u>	<u>States with Prior Consent as Absolute Precondition</u>	<u>States with Prior Notice as Absolute Precondition</u>	<u>States with No Prior Consent or Notice Required</u>
	Colorado, (approval noted in record), Connecticut, Georgia, Hawaii (trial), Iowa, Kentucky, <u>19/</u> Maine, Maryland, <u>20/</u> Michigan, Minnesota (trial, written or noted in record), Nevada (written approval), <u>21/</u> New Hampshire, New Jersey, New York, North Dakota (trial), Ohio (written approval), Oklahoma, Pennsylvania, Texas, <u>22/</u> Washington, West Virginia (25 states)	Massachusetts, Minnesota (appellate), Montana, New Mexico, North Dakota (appellate), Utah (appellate), <u>23/</u> Wisconsin (11 states)	Idaho, Nebraska, North Carolina, Oregon, Rhode Island, Tennessee, Utah (still photography), Vermont, Virginia, Wyoming (13 states)

19/ Under Kentucky's rules, requests to cover a proceeding must be made to the court. While there are no specific provisions in the rules governing the court's response, permission must be obtained for coverage to occur.

20/ Maryland's rules require that a request for coverage be submitted. Although the court's consent is not specifically required, the judge must approve the type and location of the equipment to be used prior to the commencement of the proceeding to be covered.

21/ Nevada's rules do not state specifically when approval is to be obtained.

22/ See supra note 5.

23/ See supra note 2.

<u>Entity</u>	<u>States with Consent of Entity as Absolute Precondition</u>	<u>States with Consent of Entity as Limited Precondition</u>	<u>States Where Consent of Entity Not Required</u>
2. <u>Defendant's Consent 24/</u> (criminal trials)	Alabama, Alaska, <u>25/</u> Arkansas, Minnesota, Oklahoma, Tennessee (6 states)	Utah, <u>27/</u> Washington (2 states)	Alaska (temporary rules), <u>25/</u> Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Iowa, Massachusetts, Kentucky, Michigan, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin (27 states)

24/ A total of 34 States (those allowing trial and appeals coverage of criminal proceedings (34 States) and those allowing only trial coverage of criminal cases (0 States)) are classified under the three consent categories for this entity description. Maryland and Pennsylvania do not allow coverage of criminal trial proceedings. Prior to passage of legislation forbidding coverage of criminal trials, Maryland permitted coverage only if the defendant consented. Alaska is listed twice because its rule is temporary, see infra note 25.

25/ Formerly, Alaska required counsel's consent as an absolute precondition to coverage in all cases. This requirement has since been deleted from the rules for coverage, and now the consent of the defendant must be obtained. For successive experimental periods from July 1, 1985 to July 15, 1989, defendant consent is not required. See Part I.

26/ [Omitted]

27/ See supra note 2.

<u>Entity</u>	<u>States with Consent of Entity as Absolute Precondition</u>	<u>States with Consent of Entity as Limited Precondition</u>	<u>States Where Consent of Entity Not Required</u>
3. <u>Prosecutor's Consent 28/</u> (criminal trials)	Alabama, Alaska, Arkansas, Tennessee (4 states)	None (0 states)	Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, Utah, <u>30/</u> , Vermont, Virginia, Washington, West Virginia, Wisconsin (30 states)

28/ A total of 34 States are classified under the three consent categories for this entity description. See supra note 24.

29/ [Omitted]

30/ See supra note 2.

<u>Entity</u>	<u>States with Consent of Entity as Absolute Precondition</u>	<u>States with Consent of Entity as Limited Precondition</u>	<u>States Where Consent of Entity Not Required</u>
4. <u>Party's Consent</u> <u>31/</u> (Civil cases and criminal appeals)	Alabama, Arkansas, Maryland (civil cases), <u>32/</u> Minnesota (trials), Tennessee (5 states)	Alaska (trials), Oklahoma, Pennsylvania, (appellate coverage not permitted), Utah, <u>33/</u> Washington <u>34/</u> (5 states)	Alaska (appellate), Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois,

31/ A total of 45 States (all States allowing trial and/or appellate coverage) are classified under the three consent categories for this entity description. Alaska, Minnesota and Utah fall into two of the three categories, as noted.

32/ In Maryland, a party may move for termination or limitation of coverage in criminal appellate cases. Consents of governmental entities or officials who are parties are not required.

33/ See supra note 2.

34/ It is not entirely clear what would occur in Oklahoma and Washington if a criminal defendant objects to coverage of his appeal. Taken literally, the rules of those States would seem to permit coverage of the proceedings but preclude coverage of the defendant in those circumstances. Since many defendants do not attend their appeal proceedings, the point may be a relatively minor one.

35/ [Omitted]

<u>Entity</u>	<u>States with Consent of Entity as Absolute Precondition</u>	<u>States with Consent of Entity as Limited Precondition</u>	<u>States Where Consent of Entity Not Required</u>
4. <u>Party's Consent</u> (Civil cases and criminal appeals) (continued)			Iowa <u>36/</u> , Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota (appellate), Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota <u>37/</u> , Ohio, Oregon, Rhode Island, Texas, <u>38/</u> Utah (appellate) <u>38A/</u> , Vermont, Virginia, West Virginia, Wisconsin, Wyoming (38 states)

36/ In Iowa, consents of parties are not required except in "juvenile, dissolution, adoption, child custody, or trade secrets cases."

37/ In North Dakota consents of parties are not required except in any "juvenile court, divorce, involuntary commitment, conservatorship, guardianship, adoption, child custody or trade secret" cases.

38/ See supra note 5.

38A/ See supra note 2.

<u>Entity</u>	<u>States with Consent of Entity as Absolute Precondition</u>	<u>States with Consent of Entity as Limited Precondition</u>	<u>States Where Consent of Entity Not Required</u>
5. <u>Counsel's Consent</u> <u>39/</u> (civil trials and all appeals)	Alabama, Arkansas, Maryland (civil trial), Tennessee (4 states)	None (0 states)	Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland (appellate), Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, <u>42/</u> Utah, <u>43/</u> , Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming (42 states)

39/ A total of 45 States (all States allowing trial and/or appellate coverage) are classified under the three consent categories for this entity description. As used here, the term "Counsel" excludes only prosecutors in criminal trials. Prosecutors are covered in a separate category, infra. Maryland falls into two of the three categories, as noted.

40/ [Omitted]

41/ [Omitted]

42/ See supra note 5.

43/ See supra note 2.

<u>Entity</u>	<u>States with Consent of Entity as Absolute Precondition</u>	<u>States with Consent of Entity as Limited Precondition</u>	<u>States Where Consent of Entity Not Required</u>
6. <u>Witness's Consent</u> <u>44/</u> (civil and criminal trials)	Alaska (victims of sexual offenses only), (1 state)	Alabama, Alaska (except victims of sexual offenses), Arkansas, Iowa, (victims in sexual abuse cases only), <u>45/</u> Kansas, <u>46/</u>	Arizona, California, Colorado, Connecticut, Florida,

44/ A total of 36 States (those allowing trial and appeals coverage (35 States) and those allowing trial coverage only (1 State)) are classified under the three consent categories for this entity description. Alaska, Iowa and Maryland, as noted, fall into two of the three categories described herein.

45/ In Iowa, a victim/witness in a sexual abuse case must consent to coverage of his or her testimony. The objections of certain types of witnesses to coverage of their testimony enjoy a presumption of validity. These include victims/witnesses in other forcible felony prosecutions, police informants, undercover agents, and relocated witnesses.

46/ In Kansas, a judge may forbid coverage of a witness if he or she objects; however, when a police informant, undercover agent, relocated witness, juvenile witness or victim/witness objects to being covered, the judge is required to forbid coverage of that person. In addition, when a participant in a proceeding involving divorce, trade secrets, or a motion to suppress evidence objects to coverage, coverage of that participant is forbidden.

<u>Entity</u>	<u>States with Consent of Entity as Absolute Precondition</u>	<u>States with Consent of Entity as Limited Precondition</u>	<u>States Where Consent of Entity Not Required</u>
6. <u>Witness's Consent</u> (civil and criminal trials) (continued)		Maryland (victims only), <u>47/</u> Minnesota, North Dakota (sex offense victims only), Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Utah, <u>48/</u> Washington (15 states)	Georgia, Hawaii, Iowa <u>50/</u> Kentucky, Maryland, (all witnesses except victims), <u>51/</u> Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Jersey, New Mexico, <u>52/</u> New York, North Carolina, Vermont, Virginia, Wisconsin (23 states)

47/ See supra note 1.

48/ See supra note 2.

49/ [Omitted]

50/ See supra note 45.

51/ See supra note 1.

52/ In New Mexico, the judge has sole and plenary discretion to exclude coverage of certain witnesses, including, but not limited to, victims of sex crimes and their families, police informants, undercover agents, relocated witnesses, and juveniles.

E. Coverage of Jurors 53/

States Where
Coverage Is
Prohibited

Alaska, Arkansas,
Hawaii, Michigan,
Minnesota,
New Mexico,
New York,
North Carolina,
Ohio, Utah,
Virginia
(11 states)

States Where
Coverage Is
Limited 54/

Alabama, Arizona,
California,
Colorado,
Connecticut,
Georgia, Iowa,
Kansas,
Massachusetts,
Nevada,
New Hampshire 55/
New Jersey,
North Dakota,
Oklahoma 56/
Rhode Island,
Tennessee 57/
Vermont,
Washington 58/
Wisconsin (19 states)

States Where
Coverage Is Not
Limited By Rule

Florida, Kentucky,
Maryland 59/, Montana,
West Virginia
(5 states)

53/ A total of 35 states (those allowing trial and appeals coverage (35 states) and those allowing trial coverage in jury cases (0 states) are classified under the three coverage categories for this entity description. Pennsylvania does not permit any coverage of jury proceedings.

54/ Unless otherwise indicated, states in this category prohibit close-up or identifiable coverage of the jury but allow coverage if the jury is part of the background of another shot.

55/ In New Hampshire, prior approval of the Presiding Justice is required to cover the jury in criminal cases.

56/ In Oklahoma, coverage of an objecting juror is not permitted.

57/ In Tennessee, coverage of an objecting juror is not permitted.

58/ In Washington, coverage of an objecting juror is not permitted.

59/ See supra note 1.

60-66/ [Omitted]

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F. Time Requirements for Advance Notice or Requests to Cover Courtroom Proceedings

<u>States Where No Advance Notice or Permission Is Required</u>	<u>States Where No Time Is Specified</u>	<u>States Requiring States Requiring Notice/ Request 1 Day in Advance</u>	<u>States Notice/ Request Between 2 & 7 Days in Advance</u>	<u>Requiring Notice/ Request More Than 7 Days in Advance</u>
Arkansas, Florida, Hawaii (appellate), Idaho, Nebraska, North Carolina, Oregon, Rhode Island, Tennessee, Utah, Vermont, Virginia, Wyoming (13 states)	Alabama, +Arizona, +California, Delaware, Georgia, +Hawaii (trial), Kentucky, Maine, +Massachusetts, Montana, New Hampshire, +New Jersey, New York (appellate), Ohio, Oklahoma, Pennsylvania, Texas, Washington, West Virginia (19 states)	*Alaska, *Colorado, *Minnesota, *New Mexico, Ohio (Supreme) (5 states)	Connecticut (3 days - trial), Illinois (5 days), *Kansas (7 days), *Maryland (5 days), *Michigan (3 days), *Nevada (3 days), *New York (7 days - trial), North Dakota (3 days - appellate), Utah (2 days - Supreme), *Wisconsin (3 days) (10 states)	Connecticut (13 days - appellate), *Iowa (14 days), Louisiana (20 days), North Dakota (14 days - trial) (4 states)

- + In those states marked with a plus sign (+), the requests or notice are to be made a "reasonable time" in advance of the proceedings.
- * In those states marked with an asterisk (*), the time requirement may be waived, at the discretion of the judge.

NOTE: Since Connecticut, Hawaii, New York, North Dakota, Ohio and Utah fall into more than one category, the total number of states allowing extended media coverage is 45 rather than 51.

G. Coverage Exemptions for Certain Specified
Types Of Cases And Categories Of Witnesses

The rules of a number of States (e.g., Connecticut, Nevada, and Oklahoma) make clear the fact that coverage is not permitted when access is otherwise restricted by law. Moreover, although the courts in all States which permit coverage retain the authority to preclude coverage on a case-by-case basis, a number of States have rules which explicitly prohibit or limit coverage in particular types of cases or which prohibit coverage of certain witnesses in a covered proceeding. The states with exemptions for certain cases or witnesses are as follows:

<u>Type of case/witness</u>	<u>States (total)</u>
1. Adoption	Alaska, <u>67</u> / Arizona, Arkansas, <u>68</u> / Connecticut, <u>69</u> / Iowa, <u>70</u> / North Carolina,

67/ Alaska forbids coverage of "family matters," including, but not limited to, matters involving divorce, dissolution of marriage, domestic violence, adoption and paternity, and child support, custody, and visitation. However, for an experimental period, "family matter" proceedings may be covered on a case-by-case basis with the consent of the presiding judge and all parties.

68/ Arkansas prohibits coverage of minors without parental or guardian consent. It totally prohibits coverage of juvenile, adoption, guardianship, or domestic relations proceedings.

69/ Generally, the Connecticut Supreme Court will not permit coverage of these proceedings. The Connecticut Superior Court forbids coverage of these proceedings and, in addition, prohibits coverage of proceedings held in the jury's absence and sentencing hearings in criminal cases in which the trial was not covered.

70/ In these types of cases, Iowa permits coverage if consents of the parties (including the parent or guardian of a minor child) are obtained. In all other cases, Iowa requires no consents of the parties.

Type of case/witness

States (total)

- North Dakota, 70A/
Maryland 71/ Rhode
Island, Virginia (10)
2. Child Custody
- Alaska, 72/ Arkansas (guardian-
ship), 73/ Connecticut, 74/
Iowa, 75/ Maryland, 76/ Minne-
sota, New Jersey, 77/ North
Carolina, North Dakota, 77A/ Rhode
Island (if child is a partici-
pant), 78/ Pennsylvania,
Virginia, Wisconsin 79/ (13)

70A/ North Dakota provides that objections to coverage by a victim/witness in a forcible felony, and by police informants, undercover agents and relocated witnesses shall enjoy a rebuttable presumption of validity. It totally prohibits coverage in involuntary commitment, conservatorship and guardianship proceedings and in the categories indicated infra, unless consent on the record is obtained from all parties.

71/ Maryland provides that the objection of participants are presumed to have validity in cases involving police informants, minors, undercover agents, relocated witnesses, evidentiary suppression hearings, trade secrets, divorce, and custody. Maryland's rules for coverage do not apply to its Orphans' Courts. See supra note 1.

72/ See supra note 67.

73/ See supra note 68.

74/ See supra note 69.

75/ - See supra note 70.

76/ See supra note 71.

77/ New Jersey absolutely precludes coverage of these proceedings and, additionally, in cases where coverage would cause a substantial increase in the threat of harm to any participant or otherwise interfere with a fair trial.

77A/ See supra note 70A.

78/ Rhode Island prohibits coverage in any matters in Family Court in which juveniles are significant participants.

79/ Wisconsin requires that objections of participants to coverage in these cases shall be presumed to have validity. Wisconsin's rule extends to the victims of crimes, including sexual crimes.

Type of case/witness

States (total)

3. Divorce

Alaska, 80/ Arkansas, 81/
Connecticut, 82/ Iowa, 83/
Kentucky, Maryland, 84/
Minnesota, New Jersey, 85/
North Carolina, 86/ North
Dakota, 86A/Pennsylvania,
Virginia, Wisconsin 87/ (13)

80/ See supra note 67.

81/ See supra note 68.

82/ See supra note 69.

83/ See supra note 70.

84/ See supra note 71.

85/ New Jersey prohibits coverage of cases involving divorce or "matrimonial disputes." See supra note 77.

86/ North Carolina forbids coverage of temporary and permanent alimony proceedings as well as divorce proceedings.

86A/ See supra note 70A.

87/ See supra note 79.

Type of case/witness

States (total)

4. Juvenile Proceedings

Alabama, Alaska, Arizona, Arkansas, 88/ Iowa, 89/ Maryland, 90/ Minnesota, New Jersey, 91/ New Mexico, 92/ North Carolina, North Dakota, 92A/ Rhode Island, 93/ Virginia, Wisconsin 94/ (14)

5. Motions to Suppress

Hawaii, 95/ Maryland, 96/ Massachusetts, Minnesota, North Carolina, Rhode Island, 97/ Virginia, Wisconsin 98/ (8)

88/ See supra note 68.

89/ See supra note 70.

90/ See supra note 71.

91/ See supra note 77.

92/ In New Mexico, the judge has sole and plenary discretion to forbid coverage of these proceedings or individuals. At the court's discretion, photographic coverage of other witnesses may also be forbidden.

92A/ See supra note 70A.

93/ Rhode Island explicitly forbids coverage in these cases. See supra note 78.

94/ See supra note 79.

95/ Under Hawaii's rules, a trial judge shall grant requests for coverage unless good cause is found to prohibit coverage. A presumption of good cause exists if the proceeding is for the purpose of determining the admissibility of evidence, testimony regarding trade secrets is being received, children witnesses are testifying, complaining witnesses in sexual offense cases are testifying in a criminal trial, or a witness would be put in substantial jeopardy of serious bodily injury.

96/ See supra note 71. By statute, Maryland's experiment has been precluded from encompassing coverage of criminal trial proceedings.

97/ Rhode Island also forbids coverage of hearings to determine competence or relevance of evidence.

98/ See supra note 79.

Type of case/witness

States (total)

6. Police Informants

Arkansas, 99/ Maryland, 100/
Michigan, Minnesota,
New Mexico, 101/ North
Carolina, North Dakota, 101A/
Virginia, Wisconsin 102/ (9)

7. Relocated Witnesses

Maryland, 103/ Michigan,
Minnesota, New Mexico, 104/
North Carolina,
North Dakota, 104A/
Wisconsin 105/ (7)

8. Sex Crimes

Arkansas (victims), 106/
Connecticut, 107/ Hawaii, 108/
Michigan, Minnesota,
New Jersey, 109/ New Mexico
(victims and their families), 110/
New York, North Carolina (victims
and their families), Virginia
(victims and their families),
Wisconsin 111/ (11)

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- 99/ See supra note 68.
100/ See supra note 96.
101/ See supra note 92.
101A/ See supra note 70A.
102/ See supra note 79.
103/ See supra note 96.
104/ - See supra note 92.
104A/ See supra note 70A.
105/ See supra note 79.
106/ See supra note 68.
107/ See supra note 69.
108/ See supra note 95.
109/ See supra note 77.
110/ See supra note 92.
111/ See supra note 79.

Type of case/witness

States (total)

9. Trade Secrets

Connecticut, 112/ Hawaii, 113/
Iowa, 114/ Maryland, 115/
Minnesota, New Jersey, 116/ North
Carolina, North Dakota, 116A/
Virginia, Wisconsin 117/ (10)

10. Undercover Agents

Arkansas, 118/ Maryland, 119/
Michigan, Minnesota,
New Mexico, 120/ New York 120A/,
North Carolina,
North Dakota, 120B/ Virginia,
Wisconsin 121/ (10)

11. Orphans' Court

Connecticut, 122/ Maryland, 123/
Rhode Island, 124/ (if child is
participant) (3)

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- 112/ See supra note 69.
113/ See supra note 95.
114/ See supra note 70.
115/ See supra note 71.
116/ See supra note 77.
116A/ See supra note 70A.
117/ See supra note 79.
118/ See supra note 68.
119/ See supra note 71.
120/ See supra note 92.
120A/ See Part I, New York.
120B/ See supra note 70A.
121/ See supra note 79.
122/ See supra note 69.
123/ See supra note 71.
124/ See supra note 78.

<u>Type of case/witness</u>	<u>States (total)</u>
12. <u>In Camera</u> Proceedings	Arkansas, <u>125/</u> Colorado, Hawaii, North Carolina, Virginia (5)
13. Proceedings before Clerks of Court	North Carolina (1)
14. Proceedings before Magistrates	North Carolina (1)
15. Probable Cause Proceedings	Massachusetts, North Carolina (2)
16. Minor Witnesses	Hawaii, <u>126/</u> Maryland, North Carolina, Virginia (4)
17. Motions to Dismiss	Massachusetts, Minnesota, Rhode Island <u>127/</u> (3)
18. Voir Dire Hearings	Colorado, Connecticut, Hawaii, Iowa, Massachusetts, Minnesota, New Mexico, New York, North Carolina, Rhode Island (10)
19. Motions for judgment of acquittal or directed verdict	Minnesota, Rhode Island (2)
20. Motions <u>in limine</u>	Minnesota, Rhode Island (2)
21. Witnesses in jeopardy of serious bodily injury	Hawaii <u>128/</u> (1)
22. Hearings on admissibility of evidence	Minnesota (1)
23. Domestic Disputes	New Jersey (Municipal) <u>129/</u> (1)

125/ Coverage of in camera proceedings in Arkansas is prohibited unless the court explicitly consents.

126/ See supra note 95.

127/ Coverage of motions to dismiss for legal inadequacy of the indictment, information, or complaint (criminal or civil) is not permitted in Rhode Island.

128/ See supra note 95.

129/ See supra note 77.